

### 1.1 VILLAGE BOARD.

The Village Board shall consist of the Village President and two Trustees elected for two-year terms in odd numbered years, and two Trustees elected for two-year terms in even numbered years.

### 1.2 VILLAGE BOARD MEETINGS.

Regular meetings of the Village Board shall be held at such place as designated by the Village Board on the third Wednesday of each month at 7:30p.m. and/or at such other times as the Board may direct. The Board may adjourn any regular meeting to any future date at which new business may be introduced as well as unfinished business completed. Special meetings may, and on written request of two trustees, shall, be called by the Village President.

### 1.3 VILLAGE BOARD COMMITTEES.

The Village Board shall function as a committee of the whole with the Chairman appointed by the Village President. Other committees may be appointed by the President for two-year terms subject to confirmation by the Village Board.

### 1.4 ELECTED OFFICIALS.

The elected officials of the Village shall be the President and members of the Village Board.

## 1.5 APPOINTED OFFICIALS.

- 1) The following village officers shall be appointed by the Village Board upon nomination or recommendation by the Village President. They shall serve for a term of one year as of the first day of May and shall not be required to be residents of the village.
  - a) Village Clerk. The powers and duties of the Village Clerk shall be as prescribed by § 61.25, Wis. Stats.
  - b) Village Treasurer. The powers and duties of the Village Treasurer shall be set out in § 61.26, Wis. Stats.
  - c) Deputy Clerks and Deputy Treasurers. The Village Board shall have the power to appoint Deputy Clerks and Deputy Treasurers upon nomination or recommendation of the Village President and/or the Village Clerk or Treasurer by a majority vote of the Village Board. The Deputy Clerk and/or Deputy Treasurer shall have the power of the Clerk or Treasurer, respectively, in his or her absence or disability.
  - d) Village Attorney. (January 1 through December 31<sup>st</sup> appointment)
  - e) Road Commissioner.
  - f) Village Engineer.
  - g) Village Forester.
- 2) **TREASURER BOND.** The Board of the Village of Lac La Belle elects not to give a bond to the Village Treasurer, provided for in Section 70.67 of the Wisconsin Statutes. Pursuant to Section 70.67, Wisconsin Statutes, the Village of Lac La Belle shall be obligated to pay, in case of the Treasurer, thereof, shall fail to do so. All State and County Taxes required by law shall be paid by such Treasurer to the County Treasurer.

## 1.6 BOARDS AND COMMISSIONS.

- 1) **BOARD OF REVIEW**
  - a. The Board of Review shall consist of citizens appointed annually by the Village President. The members of the Board of Review shall serve without compensation. The first annual meeting of the Board of Review shall be held between the hours of 7:00 p.m. and 11:00 p.m. pursuant to Section 70.47(3)(b), Wis. Stats., as amended from time to time.
- 2) **PLAN COMMISSION**
  - a. **Members.** The Village Plan Commission is hereby established and shall consist of seven (7) members. All members of the commission shall be appointed by the Village President, who shall also choose the presiding officer. The Village President may appoint him or herself to the commission and may appoint other city elected or appointed officials except that the commission shall always have at least three citizen members who are not Village officials. Citizen members shall be persons of recognized experience and qualifications. The Village Clerk shall serve as Secretary to the Plan Commission but shall not have the right to vote.
  - b. **Terms of Office.** The members of the commission shall be appointed to hold office for a period of 3 years. Appointments shall be made by the Village President during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term.
  - c. **Compensation.** Members of the Plan Commission shall serve without compensation.

- d. Report to Village Board. The Village Trustee who is appointed to the Plan Commission by the Village Board of Trustees shall submit a report of each Plan Commission meeting at the first regularly scheduled Village Board meeting thereafter.
- e. Meetings and Hearings.
  - i. A meeting of the Plan Commission may be called by its presiding officer, or upon the request of any two Plan Commission members, or at such other times as the Village Board of Trustees may request.
  - ii. All meetings of the Commission shall be open to the public unless otherwise announced in the public notice of the meeting. Meetings of the Commission shall be held at the call of the Chairman or at such other times as the Village Board may request.
  - iii. Public hearings may be held before the Plan Commission, as a body, and its recommendation subsequently submitted to the Village Board for approval and action. Public hearings may, alternatively, be held before the Village Board.
- f. Powers and Duties. The Village Plan Commission shall have the duties of making reports and recommendations relating to the plan and development of the Village to public officials, agencies, public utility companies, civic, educational, professional, and other organizations, and citizens. The Plan Commission, its members and employees, in the performance of its functions, may enter upon any land and make examinations and surveys. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its function and promote municipal planning. In addition to those powers and duties enumerated within this paragraph and otherwise specifically granted within the Village of Lac La Belle Code of Ordinances, the powers and duties of the Commission shall be:
  - i. To keep a record of the resolutions, transactions, findings and determinations which record shall be a public record.
  - ii. To perform such duties as are delegated to the Commission by any ordinances of the Village.
  - iii. To recommend to the Village President or Village Board programs for public improvements and the financing thereof.
  - iv. To recommend to the Village Board the designation of the park areas, playgrounds and other public, semi-public and private enterprises, grounds or recreational centers to the end that such matters may be in the highest degree effective, permanent, dignified and fitting through proper design, form and situation.
  - v. To advise regarding the planning and protection of trees and other improvements along highways and on public property.
  - vi. To report on matters referred to it by the Village Board or other public bodies or officers.
  - vii. To approve any proposed subdivision and to inspect and recommend as to the zoning thereof before acceptance by the Village Board.
  - viii. To recommend to the Village Board with respect to amendment and addition to the Building and Zoning Codes of the Village.
  - ix. To define the limits of zoning districts upon the request of the Board of Appeals when a request for interpretation of the Zoning Map is made due to district boundaries being undeterminable from the Zoning Map.
  - x. To review and recommend any amendment to the Official Map of the Village.

- xii. In performance of its function, to enter upon any land and to make examination thereof.
  - xiii. At its discretion, to make such recommendations to the Village Boards it deems advisable.
  - xiv. To employ experts and a staff, and to pay for their services, and such other expenses as may be necessary and proper, not exceeding, in all, any appropriation that may be made for the Plan Commission by the Village Board, or placed at the Plan Commission's disposal through gift, and subject to any ordinance or resolution enacted by the Village Board.
- g. Appeals. Appeals from any order of the Plan Commission denying any application presented to it for approval may be taken up by any person aggrieved thereby to the Village Board of Appeals. Such appeals shall be taken within a period of ten days after the making of such order by filing with the Village Clerk a notice of appeal specifying the grounds thereof, together with a filing fee as may from time to time be determined by the Village Board. The Village Clerk shall forthwith prepare an appeal file containing all the papers in such matter. The Board shall forthwith set a date for hearing of such appeal and give public notice thereof and decide the same within a reasonable time. At the hearing, any party may appear in person or by an agent or attorney.

### 3) BOARD OF APPEALS.

See Chapter 8 of this Code.

### 4) ELECTION BOARD.

The election officials shall be appointed as provided in sec. 6.32 Wis. Stats.

## 1.7 POLICE ADVISORY COMMITTEE.

### 1) ESTABLISHMENT AND MEMBERS.

Pursuant to Wis. Stat. § 61.65(1)(am)1 the Board of Trustees hereby creates a police advisory committee consisting of three members, appointed by the Village President, including the designation of a chairman, and confirmed by the Board of Trustees and serving a term of two years. The term of said committee members shall begin on May 1 following the election of the Village President for a regular two-year term. A vacancy on the committee occurring prior to the expiration of the committee member's term shall be filled by appointment of the Village President and confirmation of the Board of Trustees, but said committee member's term shall expire on April 30 of the next year in which a regular election for Village President is held. All members of the committee shall be residents of the Village of Lac La Belle at the time they are appointed to the committee. No member of the committee may hold any other office in the Village, whether elected or appointed, nor may any member of the committee be employed by the Village. A Committee member may no longer serve on the committee after terminating his or her residence within the Village of Lac La Belle or after accepting election or appointment to a Village office or employment by the Village.

### 2) MEETINGS AND POWERS.

The committee shall meet as often as necessary (but at least two times annually) to perform the responsibilities of (1) Disciplining and discharging from employment such police officers as are

determined appropriate by the committee pursuant to Wis. Stats. § § 61.65(i)(am)1 and 62.13(5), and (2) Making advisory recommendations to the Board of Trustees and Chief of Police concerning law enforcement activities within the Village. All discipline and discharge from employment of police officers shall be conducted pursuant to Wis. Stat. § 62.13(5).

3) POLICE OFFICER POWERS.

Police Officers hired by the Village shall have the powers of Village Marshall and Village constable as specified in Wis. Stat. §§ 61.28 and 61.29.

1.8 OFFICIAL BULLETIN BOARDS.

1) LOCTION AND USE.

The Village Clerk shall cause to be erected within the limits of the Village of Lac La Belle three (3) official bulletin boards as follows for the posting of all public notices required by law:

- a. One at Seminary Entrance.
- b. One on Saeger Avenue (Village Lot).
- c. One at La Belle Court Entrance.

2) INTERFERENCE WITH SIGNS/POSTINGS PROHIBITED

Any person who shall destroy or deface said bulletin boards, or shall remove therefrom or deface or destroy any notice duly posted thereon, excepting only Village Officers in the exercise of their duties, shall be subject to a penalty as provided in sec. 15.04 of this Code.

1.9 STREET EXCAVATIONS.

1) PERMIT REQUIRED.

No person except the Village, its agents, employees and contractors, shall excavate, open, or cut any street or alley, within the Village without first obtaining a permit from the Village Clerk.

2) APPLICATION; BOND.

Application for such permit shall state the purpose for which the permit is desired and the location of the proposed excavation, opening or cut, and shall contain an agreement that the applicant will pay all damages to persons, or property, public or private, cause by the applicant, his agents, employees or servants in the doing of work for which the permit is granted. Any applicant may be required as a condition to the granting of a permit in the discretion of the Road Commissioner, to file an undertaking of such amount as the Road Commissioner determines to leave the street in as good condition as the same was in when the work was commenced, to at all times keep the place where the excavation is made properly guarded by day and lighted by night, and to save the Village harmless from all damages, costs, and charges that may accrue from the applicant's use of such street or alley by reason of such excavation, opening or cut.

3) EXTENT OF PRIVILEGE.

No permit for an excavation, opening, or cut shall be deemed to convey or grant any privilege to occupy the space within or below any street or sidewalk, or any utility, vault, pipe, or drain.

4) RESTORING SURFACE.

When excavations, openings, or cuts are made hereunder, they shall not be left open longer than the necessities of the work demand. In refilling the excavation, opening, or cut, all earth, stone

and screenings shall be thoroughly and properly tamped and the surface of the street or alley left in as good condition as the same was in before the excavation, opening, or cut was made. Whenever it is necessary to break into a sidewalk to make any excavation, opening or cut, the entire stones so broken shall be removed and replaced, it being the intent of this subsection to prohibit the patching of an entire stone or stones of a sidewalk. In addition, the surface of such street or alley shall be maintained in good repair by the applicant for one year following the completion of the same.

5) NOTICE TO POLICE DEPARTMENT.

Before an excavation, opening or cut in any street or alley is made by any person 48 hours advance notice shall be given by the contractor to the person intending to make such excavation, opening or cut to the Police Department, except in cases of emergency.

6) REPAIR BY THE VILLAGE.

If the permittee neglects to perform any portion of the work required by this section, in addition to any penalty provided by law, the Village shall cause the same to be done, and the expense there of shall be certified to the Village Clerk by the Public Works Committee. The Village Clerk shall forthwith give written notice to the permittee of the amount so certified, and if the amount is not paid within 30 days such amount shall be carried into the tax roll as a special tax against the abutting property.

7) MORATORIUM ON LAC LA BELLE DRIVE.

No permit shall be issued under this section and no excavation or cut shall be made in that portion of Lac La Belle Drive repaired in the road repair Project of 2003 without the approval of the Village Board in its sole discretion.

8) DEFINITIONS.

As used herein, "street" means the entire right-of-way, including the traveled portion of the highway, curb or gutter, sidewalk, and terrace; "person" includes firms and corporations.

9) PENALTY

Any person who shall violate this section shall be subject to penalties as set forth in Section 15.04 of this Code.

1.10 REGISTRATION FOR ELECTIONS.

Registration for electors of all Village elections shall be required as provided in Chapter 6 Wisconsin Statutes as amended from time-to-time.

1.11 COLLECTION OF TAXES.

1) VILLAGE TREASURER RESPONSIBLE FOR.

- a. The Village Treasurer shall collect, or cause to be collected, the general property taxes, special assessments, special taxes, and special charges shown in the tax roll.
- b. The Village Treasurer shall use the tax receipts furnished by Waukesha County. In addition, if requested by the person to whom the tax bill is sent under Wis. Stat. § 74.09(3)(g), the Village Treasurer shall mail a copy of the tax receipt to the requestor.
- c. The Village Treasurer shall make settlement for all collections as provided in Wis. Stat. Chap. 74.

## 2) DATES FOR PAYMENT OF TAXES, SPECIAL ASSESSMENTS, AND SPECIAL CHARGES.

General property taxes, special assessments, special charges, and special taxes collectible under Wis. Stat. Chap. 74 are payable as follows:

- a. Real Property Taxes. All taxes on real property shall be paid in one of the following ways:
  - i. In full on or before January 31 in the year after the taxes are levied.
  - ii. In 2 equal installments, unless subject to sub. (c), with the first installment payable on or before January 31 in the year after the taxes are levied and the second installment payable on or before July 31 of that same year.
- b. Special Assessments, Special Charges and Other Taxes. All special assessments, special charges, and special taxes that are placed in the tax roll shall be paid in full on or before January 31 in the year after the taxes are levied.
- c. Personal Property Taxes. All taxes on personal property shall be paid in full on or before January 1 in the year after the taxes are levied.

## 3) WHEN NO INSTALLMENTS

If the total real property tax is less than \$100, it shall be paid in full on or before January 31 in the year after the taxes are levied.

## 4) TO WHOM PAYMENTS MADE

- a. Payments made on or before January 31, in the year after the taxes are levied shall be made to the Village Treasurer.
- b. All other payments shall be made to the county treasurer.

## 5) DELINQUENT FIRST INSTALLMENT

If the first installment of taxes on real property is not paid on or before January 31 in the year after the taxes are levied the entire amount of the taxes remaining unpaid is delinquent as of February 1 of that same year.

## 6) DELINQUENT SECOND INSTALLMENT

If the second installment of taxes on real property is not paid on or before July 31 in the same year after the taxes are levied, the entire amount of the taxes remaining unpaid is delinquent as of August 1 of that same year.

## 7) DELINQUENT ANNUAL PAYMENT

- a. If all special assessments, special charges, special taxes and personal property taxes are due under Wis. Stat. § 74.11(3) or 74.11(4) are not paid in full on or before January 31 in the year after the taxes are levied, the amounts unpaid are delinquent as of February 1 of that same year.
- b. If any special assessments, special charges, special taxes are entered in the tax roll as charges against a parcel of property and are delinquent under paragraph (a), the entire annual amount of real property taxes on that parcel which is unpaid is delinquent as of February 1 in the year after the taxes are levied.

#### 8) PAYMENT OF DELINQUENT PAYMENTS, INTEREST, AND PENALTY

- a. All real property taxes, special assessments, special charges, and special taxes that become delinquent shall be paid; together with interest and penalties charged from February 1 in the year in which delinquency occurs, to the county treasurer.
- b. All personal property taxes that become delinquent shall be paid, together with interest charged from February 1 in the year in which delinquency occurs, to the Village Treasurer.
- c. Interest. The interest rate on delinquent property taxes, special charges, special assessments, and special taxes included in the tax roll for collection is one (1) percent per month or fraction of a month.
- d. All interest on payments of delinquent personal property taxes collected by the Village Treasurer shall be retained by the Village Treasurer on behalf of the Village.

#### 9) PAYMENT PRIORITY

If the Village Treasurer receives a payment from a taxpayer which is not sufficient to pay all general property taxes, special charges, special assessments and special taxes due, the Village Treasurer shall apply payment to the amounts due, including interest and penalties, in the following order as prescribed by Wis. Stat. § 74,11(12):

- a. Special charges
- b. Special assessments
- c. Special taxes
- d. General property taxes

#### 10) TAXES PAID IN ADVANCE OF LEVY

- a. Village Treasurer Shall Accept. The Village Treasurer shall accept payment of general property taxes, special assessments, special charges, and special taxes in advance of the tax levy, subject to the following:
  - i. General property taxes, special assessments, special charges, and special taxes may be paid in advance of the levy either by single payment or by payment in installments of not less than \$100. The total taxes paid in advance of the levy may not exceed the total taxes previously levied against the property, as show on the previous tax roll.
  - ii. Except as proved in sub. (iii), general property taxes, special assessments, special charges, and special taxes may be paid in advance of the levy during the period from August 1 until the third Monday in December.
  - iii. The Village Treasurer shall hold general property taxes, special assessments, special charges and special taxes paid in advance of the levy. Those taxes, assessments and charges are subject to settlement under Wis. Stat. § 74.23. Any interest earned prior to settlement under Wis. Stat. § 74.23 on general property taxes, special assessments, special charges or special taxes paid in advance of the levy accrues to the Village.
  - iv. Upon receipt of the tax roll, general property taxes, special assessments, special charges, and special taxes which have been paid in advance shall be credited against the general property taxes, special assessments, special charges and special taxes the property shown in the tax roll. If the total paid general property taxes, special assessments, special charges, and special taxes paid in advance exceed the total show in the tax roll, the Village Treasurer shall return the excess to the person who made the advance payment.



- b. Advance Payment Depositories. The Village Treasurer may designate one or more public depositories, among those previously designated under Wis. Stat. § 34.05, to which taxpayers may make payments in advance of the tax levy. A receipt for a payment in advance of the levy issued by a designated public depository has, under Wis. Stat. § 74.13(2), the same legal status as a receipt issued by the Village Treasurer.
- c. Advance Payment When Ceasing Business. Personal property taxes on property used in a commercial enterprise which is ceasing business may be paid in advance of the tax levy at any time before the third Monday in December of the year in which business ceases.

### 1.12 REFERENDUM ON LARGE-SCALE PROJECTS. (Charter Ordinance: Adopted: April 12, 1983)

- 1) The Village Board shall not enter into any contract for the performance of services or the furnishing of materials and supplies, or initiate a resolution to borrow money, or initiate a resolution to levy special assessments, where either the contract, the borrowing resolution, or the special assessment resolution, or the anticipated cost of the project with respect to which the contract or any such resolution is entered into or initiated, exceeds two percent (2%) of the previous year's equalized value of the real estate and personal property located within the Village, without approval of such contract, resolution or project by majority vote of the village electors.
- 2) This is a charter ordinance enacted pursuant to Wis. Stat. § 66.0101 and Wis. Const., Art. XI, s3. The Village elects not to be governed by any provision of state law, particularly those included in Wis. Stats. Ch. 61, 65, 66, and 67, insofar as such chapters and the sections of the statutes contained therein permit the incurring of obligations and expenditures and the raising of funds in excess of two percent (2%) of the Village's equalized value without referendum.

### 1.13 PUBLIC RECORDS.

#### 1) DEFINITIONS

- a. AUTHORITY. Means any of the following Village persons or entities having custody of a Village record: any office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; a governmental or quasi-governmental corporation; any court of law; a nonprofit corporation which receives more than 50% of its funds from a county or a municipality, as defined in Wis. Stat. § 59.001(3), and which provides services related to public health or safety to the county or municipality; or a formally constituted subunit of the foregoing Village.
- b. CUSTODIAN. Means that officer, department head, division head, committee chairman, or employee of the Village designated herein or otherwise responsible by law to keep and preserve any Village records or file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this ordinance to respond to requests for access to such records or files.
- c. PERSONALLY IDENTIFIABLE INFORMATION. Means information that can be associated with a particular individual through one or more identifiers or other information or circumstances.
- d. RECORD or FILES. Means any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes,

but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts, and optical disks “Record” does not include drafts, notes, preliminary computations and like materials prepared for the originator’s personal use or prepared by the originator in the name of the person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

- e. REQUESTER. Means any person who requests inspection or copies of a record, except a committed or incarcerated person, unless the person requests inspection or copies of a record that contains specific references to that person or his or her minor children for whom he or she has not been denied physical placement under Chapter 767 of the Wisconsin Statutes, and the record is otherwise accessible to the person by law.

## 2) DUTY TO MAINTAIN RECORDS

- a. Except as provided under Section (7), each officer and employee of the Village shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.
- b. Upon the expiration of an officer’s term of office or an employee’s term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefor to the officer or employee, who shall file said receipt with the Village Clerk – If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk, on behalf of the successor, to be delivered to such successor upon the latter’s receipt.

## 3) LEGAL CUSTODIAN(S)

- a. The Village Clerk, or in his or her absence or disability or in case of vacancy, the deputy clerk, is hereby designated the legal custodian of all Village records.
- b. The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under chapter 19, Stats., and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.
- c. The following public officials are deemed to be deputy custodian of their records: (This is in addition to the foregoing paragraphs and is not intended to be inclusive of all Village records.)
  - i. Village Clerk – custodian of all records of the Village and all records required by the Village to be kept. (See subsection (b) above.
  - ii. Treasurer – all records of the treasurer shall be kept by the Treasurer subject to the direction of the Village Clerk.
  - iii. Building Inspector – all records of the building inspector shall be kept by the building inspector subject to the direction of the Village Clerk.
  - iv. Assessor – all records of the assessor shall be kept by the Village Assessor subject to the direction of the Village Clerk.

- v. Plan Commission – all records of the Plan Commission shall be kept by the Village Clerk.
- vi. Board of Appeals – all records of the Board of Appeals shall be kept by the Village Clerk.
- vii. Police Department – all records of the Police Department shall be kept by the Chief of Police subject to the direction of the Village Clerk.

#### 4) PUBLIC ACCESS RECORDS

- a. Except as otherwise provided by law, any person is presumed to have a right to inspect a record and to make or receive a copy of any record as provided in Wis. Stat. § 19.35(1).
- b. Records will be available for inspection and copying during all regular office hours.
- c. If regular office hours are not maintained at the location where records are kept, (the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.)
- d. A requestor shall be permitted to use facilities comparable to those available to Village employees to inspect, copy or abstract a record.
- e. The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- f. A requestor shall be charged a fee to defray the cost of locating and copying records as follows:
  - i. The cost of photocopying shall be \$.25 per page. Said cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.
  - ii. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
  - iii. The actual full cost of providing a copy of other record not in printed form on paper, such as films, computer printouts and audio- or video-tapes, shall be charged.
  - iv. If mailing or shipping is necessary, the actual cost thereof shall also be charged.
  - v. There shall be no charge for locating a record unless the actual cost therefor exceeds \$50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requestor.
  - vi. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
  - vii. Elected and appointed officials of the Village of Lac La Belle shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
  - viii. The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.
  - ix. Pursuant to sec. 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. Each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian under

Wis. Stats. § 19.33 from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This subsection does not apply to members of any local governmental body.

- x. Each authority which maintains regular office hours at the location where records in the custody of the authority are kept shall permit access to the records of the authority at all times during those office hours, unless otherwise specifically authorized by law.
- xi. Each authority which does not maintain regular office hours at the location where records in the custody of the authority are kept shall:
  - 1. Permit access to its records upon at least 48 hours' written or oral notice of intent to inspect or copy a record; or
  - 2. Establish a period of at least 2 consecutive hours per week during which access to the records of the authority is permitted. In such case, the authority may require 24 hours' advance written or oral notice of intent to inspect or copy a record.

## 5) ACCESS PROCEDURES

- a. A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under sec. 19.37, Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under Section 4 f. vi. A requestor may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- b. Each custodian, upon request for any record, shall as soon as practicable and without delay, either fill the request or notify the requestor of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the Village attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
- c. A request for a record may be denied as provided in sub (6). If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requestor within five business days of the oral denial. If a written request is denied in whole or in part, the requestor shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requestor that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under sec. 19.37(1), Stats., or upon application to the attorney general or a district attorney.

## 6) LIMITATIONS ON RIGHT TO ACCESS.

- a. As provided by Sec. 19.36, Stats., the following records are exempt from inspection under this section:

- i. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
- ii. Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
- iii. Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspections; and
- iv. A record or any portion of a record containing information qualifying as a trade secret as defined in Wis. Stat. sec. 134.90(1) (c).
- v. As provided by sec. 43.40, Stats., public library circulation records are exempt from inspection under this section.
- vi. Identities Of Applicants For Public Positions.
  - 1. In this section, "final candidate" means each applicant for a position who is seriously considered for appointment or whose name is certified for appointment and whose name is submitted for final consideration to an authority for appointment to any state position, except a position in the classified service, or to any local public office, as defined in s. 19.42 (7w). "Final candidate" includes, whenever there are at least 5 candidates for an office or position, each of the 5 candidates who are considered most qualified for the office or position by an authority, and whenever there are less than 5 candidates for an office or position, each such candidate. Whenever an appointment is to be made from a group of more than 5 candidate, "final candidate" also includes each candidate in the group.
  - 2. Every applicant for a position with any authority may indicate in writing to the authority that the applicant does not wish the authority to reveal his or her identity. Except with respect to an applicant whose name is certified for appointment to a position in the state classified service or a final candidate, if an applicant makes such an indication in writing, the authority shall not provide access to any record related to the application that may reveal the identity of the applicant.
- vii. Identities Of Law Enforcement Informants.
  - 1. In this subsection:
    - a. Informant. Means an individual who requests confidentiality from a law enforcement agency in conjunction with providing information to that agency or, pursuant to an express promise of confidentiality by a law enforcement agency or under circumstance in which a promise of confidentiality would reasonably be implied, provides information to a law enforcement agency to obtain information, related in any case to any of the following:
      - i. Another person who the individual or the law enforcement agency suspects as violated, is violating or will violate a federal law, a law of any state or an ordinance of any local government.
      - ii. Past, present or future activities that the individual or law enforcement agency believes may violate a federal law, a law of any state or an ordinance of any local government.
    - b. "Law enforcement agency" has the meaning given in s. 165.83(1)(b), and includes the department of corrections.

- c. If an authority that is a law enforcement agency received a request to inspect or copy a record or a portion of a record under s. 19.35 (1)(a) that contains specific information including but not limited to a name, address, telephone number, voice recording or handwriting sample which, if disclosed, would identify an informant, the authority shall delete the portion of the record in which the information is contained or, if no portion of the record can be inspected or copied without identifying the informant, shall withhold the record unless the legal custodian of the record, designated under s. 19.33, makes a demonstration, at the time that the request is made, that the public interest in allowing a person to inspect, copy or receive a copy of such identifying information outweighs the harm done to the public interest by providing such access.
- viii. Unless access is specifically authorized or required by statute, an authority shall not provide access under this Chapter to records containing the following information, except to an employee or the employee's representative to the extent required under s. 103.13 or to a recognized or certified collective bargaining representative to the extent required to fulfill a duty to bargain under ch. 111 or pursuant to a collective bargaining agreement under ch. 111:
  - 1. Information maintained, prepared, or provided by an employer concerning the home address, home electronic mail address, home telephone number, or social security number of an employee, unless the employee authorizes the authority to provide access to such information.
  - 2. Information relating to the current investigation of a possible criminal offense or possible misconduct connected with employment by an employee prior to disposition of the investigation.
  - 3. Information pertaining to an employee's employment examination, except an examination score if access to that score is not otherwise prohibited.
  - 4. Information relating to one or more specific employees that is used by an authority or by the employer of the employees for staff management planning including performance evaluations, judgments, or recommendation concerning future salary adjustments or other wage treatments, management bonus plans, promotions, job assignments, letters of reference, or other comments or ratings relating to employees.
- ix. Unless access is specifically authorized or required by statute, an authority shall not provide access under this Chapter to records, except to an individual to the extent required under Wis. Stats. § 103.13, containing information maintained, prepared, or provided by an employer concerning the home address, home electronic mail address, home telephone number, or social security number of an individual who holds a local public office or a state public office, unless the individual authorizes the authority to provide access to such information. This subsection does not apply to the home address of an individual who holds an elective public office or to the home address of an individual who, as a condition of employment, is required to reside in a specific location.
- x. Unless access is specifically authorized or required by statute, an authority shall not provide access to a record prepared or provided by an employer performing work on a project to which Wis. Stats. § 66.0903, § 103.49, or § 103.50 applies, or on which the

employer is otherwise required to pay prevailing wages, if that record contains the name or other personally identifiable information relating to an employee of that employer, unless the employee authorizes the authority to provide access to that information. In this subsection, "personally identifiable information" does not include an employee's work classification, hours of work, or wage or benefit payments received for work on such a project.

- b. In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Village attorney, may deny the request, in whole or in part, only if he or she determines that, at the time of the request, the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
  - i. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
  - ii. Records of current deliberations after a quasi-judicial hearing.
  - iii. Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline or any Village officer or employee, or the investigation of charges against a Village officer or employee, unless such officer or employee consents to such disclosure.
  - iv. Records concerning current strategy for crime detection or prevention.
  - v. Records of current deliberations or negotiations on the purchase of Village property, investing of Village funds, or other Village business whenever competitive or bargaining reasons require nondisclosure.
  - vi. Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
  - vii. Communications between legal counsel for the Village and any officer, agent or employee of the Village, when advice is being rendered concerning strategy with respect to current litigation in which the Village or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under sec. 905.03, Stats.
- c. If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Village attorney prior to releasing any such record and shall follow the guidance of the Village attorney when separating out the exempt material. If in the judgment of the custodian and the Village attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

## 7) DESTRUCTION OF RECORDS.

- a. Village officers may destroy the following non-utility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the bureau of municipal audit or an auditor licensed under chapter 442 of the Wisconsin

Statues, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the state public records board pursuant to Wis. Stat. sec. 16.61(3)(e), and then after such shorter period:

1. Bank statements;
  2. Canceled checks;
  3. Receipt forms;
  4. Vouchers.
- b. Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the bureau of municipal audit or an auditor licensed under chapter 442 of Wisconsin Statutes, subject to state public service commission regulations, but not less than seven years after the record was effective unless a shorter period has been fixed by the state public records board pursuant to Wis. § 16.61(3)(e), and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after two years.
1. Contracts;
  2. Excavation permits;
  3. Inspection records.
- c. Village officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the state public records board pursuant to Wis. § 16.61(3)(e), and then after such a shorter period.
1. Old insurance policies;
  2. Election notices;
  3. Cancelled registration cards.
- d. Unless notice is waived by the state historical society, at least sixty (60) days' notice shall be given the state historical society prior to the destruction of any record as provided by Wis. § 19.21(4)(a).
- e. Any tape recordings of a governmental meeting of the Village may be destroyed, erased or reused no sooner than ninety (90) days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

#### 8) PRESERVATION THROUGH MICROFILM.

Any Village officer, or the director of any department or division of Village government may, (subject to the approval of the Village Board) keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Wis. § 16.61(7)(a) and (b), and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of Sections (4) through (6) of this ordinance.

#### 1.14 COLLECTION OF AMBULANCE COSTS AND EXPENSES.

All costs and expenses incurred by the Village as a result of ambulance service from a provider contracting with the Village for the performance of such service shall be reimbursed to the Village by the party that benefited from the service. Costs and expenses due in accordance with



this provision shall be a debt due to the Village. If the debt is not paid within twenty (20) days after notice of the costs and expenses is given to the benefited party, it shall be deemed delinquent. There shall be an added penalty of three-percent (3%) of the amount of the costs and expenses for every week the payment to the Village is delinquent.

## 1.15 CHARGE FOR VILLAGE PROFESSIONAL FEES

### 1) CHARGES AUTHORIZED

- a. Whenever the offices of the Village Attorney, Village Engineer or any other of the Village's contract profession staff are contacted for current services regarding a specific person's property, development, sanitary sewer service, annexation or other special matter in the Village of Lac La Belle by the Village President, Village Board Member, Village Board Committee member, or Village Commission member or any representative, agent or designee of the same; or a property owner or any person or entity or a respective representative, if said contact results in a charge to the Village of Lac La Belle for that professional's time and services and said service is not a service provided to the Village of Lac La Belle as a whole; then the Village Clerk shall be authorized to charge said person or entity for the current service provided and/or pursuant to the provision of Wis. § 66.0627, to impose a special charge for that current service to the benefited property owner for the fees incurred by the Village.
  - b. Prior to contacting any of the Village's contract professionals, the person requesting contact with Village contract professionals shall be required to execute a Fees for Services Agreement to be provided by the Village Clerk.
- 2) The Village Clerk is authorized to invoice each person or entity for special charges, allowing a period of time, not more than thirty (30) days, to pay for provided current services. The invoice shall include an itemized statement of the professional service fees provided.
  - 3) The Village Clerk shall give each property owner invoiced for current services, unless otherwise waived, notice that a hearing may be requested before the Village Board regarding the charges against the property. If a hearing is timely requested in writing within twenty (20) calendar days of the mailing of the invoice for current services, the matter shall be heard in accordance with the provisions of section 1.15 of this Code on the issue of the cost of professional fees incurred to benefit a specific land owner.
  - 4) If any amount remains unpaid after the thirty (30) days allowed for payment where no hearing has been timely requested, the Village Clerk shall automatically charge that delinquent amount, plus any applicable penalty and/or interest, against the current or next tax roll as a delinquent tax against the property pursuant to Wis. § 66.0627. In the event the invoice rendered to a property owner or the time allowing for payment precludes placement on the current year's tax roll, any such delinquent charge shall be extended to the following year's tax roll.
  - 5) Upon receipt of a timely request for a hearing on the invoice for special charges, the Village Board shall hold a hearing regarding same at its next regular meeting or, at its discretion, at a special meeting. Such hearing shall be preceded by posted public notice and written notice to the property owner.
  - 6) When a timely hearing has been requested, no current charges for special services shall be placed on the tax roll until a hearing has been held and a decision has been rendered and reduced to writing. A copy shall be sent via first class mail, postage prepaid, to the property owner. Only that part of the charges for special services approved by the Village Board may be

placed on the tax roll after the property owner has been given three (3) days to pay from the date of the Village Board decision.

- 7) The Village, in addition or instead of the above may follow any other legal means to collect the amounts due.

## 1.16 VILLAGE ADMINISTRATOR

### 1) OFFICE CREATED

There is hereby created the office of Village Administrator who shall perform such duties as are specified in this division and shall have general management of the administration and enforcement of this chapter.

### 2) TERM

The Administrator shall be appointed by the majority of the Board of Trustees. He or she shall be the chief administrative officer of the Village. He or she shall be appointed on merit and without regard to the person's political beliefs and need not be a resident of the Village. The Administrator shall be appointed for a three (3) year term with an optional annual rolling horizon extension of one year and may, at any time, be removed from office with cause by a majority vote of the Board of Trustees. Administrator may terminate upon no less than six (6) months' notice.

### 3) SCOPE OF ORDINANCE

The provisions of this ordinance shall apply in all respects to the administrative process in the Village, including implementing, coordinating, evaluating and planning services and programs within the ordinances or policy limits set by the Board of Trustees to ensure an efficient and effective organization and operation of all village departments.

### 4) PURPOSE OF ORDINANCE

The purpose and object of this ordinance is to provide for the proper administrative process whereby the organizational structure of the village government has a flow of accountability for all department services and functions.

### 5) COMPENSATION

The compensation of the Village Administrator shall be determined by resolution of the Village Board of Trustees.

### 6) QUALIFICATIONS

The person appointed to the office of the Village Administrator shall have the following qualifications:

- a. Thorough knowledge of the principles and practices of municipal government administration, including budgeting, accounting, and financing.
- b. Understanding of public works operations, grantsmanship, planning and zoning, and growth issues.
- c. The ability to establish and maintain effective working relationships with Village Board members, appointed officials, consultants, department heads, employees and the general public.
- d. Have good professional judgment.

- e. Have previous experience in municipal government, with a minimum of ten years municipal budgeting accounting, and financial projecting experience preferred.
- f. Be a graduate from a college or university or recognized standing with a major in public administrations or business administration, preferably a graduate degree in a relevant field, or any equivalent combination of experience and training which provides required knowledge, skills and abilities. A Certified Public Accountant license is preferred.
- g. Have a working knowledge of local, state and federal laws, rules, regulations and assistant programs for municipalities.

## 7) DUTIES

The duties of the Village Administrator shall be as follows:

- a. Oversee and direct Village budget development, presentation, recommendation, implementation, control, and auditing. Research past expenditures and revenues. Forecast expenditures and revenues, and be responsible for monthly bookkeeping. Recommend personnel staffing levels, capital improvement plans, equipment and supply needs annually. Monitor fund and line item expenditures. Recommend line item transfers. Participate in special and overall audits of Village financial activities, and have the authority to accept same on behalf of the Village without further Board of Trustees action. Develop program goals and objectives.
- b. Prepare agenda items and information for Village Board, Plan Commission, Board of Review, Board of Appeals, and other meetings as required and necessary with the assistance of Village clerk and assessor. Prepare for and participate in meetings of the above entities and others as required and needed.
- c. Administer Village operations and services including public works, snow removal and waste pickup. Have charge of the operation and maintenance of all village-owned property, lands, buildings, improvements and equipment and all public ways, ditches, drains, and storm sewers. Function as Sewer Commissioner and Road Commissioner. Direct and coordinate village services, functions and programs, except when such authority is vested in boards, commissions and appointed officials by statutes.
- d. Monitor Police department and Police Chief through the budgetary process.
- e. Discuss Village actions, decisions, and potential decisions with Village Trustees and Village Attorney. Advise the Village Board during preparation of the annual budget.
- f. Direct, implement, appoint on merit and, when necessary, suspend or discharge employees for cause, except for any officer appointed by the Board of Trustees, and employees of the police and fire departments. Serve as personnel officer, including responsibility for employee relation matters, with the authority to review routines and working hours, administer fringe benefit plans, and recommend to the Board of Trustees administrative control routines to promote efficiency and economy. Designate appropriate employees or departments for the handling or transacting of business that is not of a routine nature. Conduct staff meetings with department heads as needed. Evaluate the performance of department heads annually.
- g. Represent the Village to County, State and Federal governments and agencies; school districts; and community service organizations. Represent the Village in development projects. Prepare, negotiate, monitor and enforce contracts for various services and

- products, and prepare, review, and follow up on grant applications. Attend meetings as needed.
- h. Hear, discuss, investigate, evaluate and mediate citizens' and other complaints within the scope of the village ordinances and policy limits of the village.
  - i. Act as public information officer for the Village, with the responsibility of assuring that the news media are kept informed about the operations of the Village, and along with the Village Clerk, that all open meetings and public records statues are followed.
  - j. Meet FEMA, or other state or federal requirements as Village representative (incident commander) in times of emergency.
  - k. Perform such other duties as may be prescribed by the Board of Trustees, by this chapter or resolutions of the Board of Trustees.

### 1.1 DEFINITION.

Civil Defense. Means the preparation for and the caring out of all emergency functions other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile act.

### 1.17 POLICY AND PURPOSE.

- 1) By reason of the increasing possibility of disasters of unprecedented size and destructiveness and to insure that preparation will be adequate to cope with such disasters and to provide for the common defense, to protect the public peace, health, safety and general welfare, and to preserve the lives and property of the people, it is hereby declared necessary:
  - a. To establish local Civil Defense organization.
  - b. To provide for the exercise of necessary powers during Civil Defense emergencies.
  - c. To provide for the rendering of cooperation and mutual aid between this Village and other political subdivisions.
- 2) It is further declared to be the purpose of this chapter and the policy of this Village that all Civil Defense functions be coordinated to the maximum extent possible with existing services and facilities of this Village and with comparable functions of the federal, state and county government and other political subdivisions and of various private agencies to the end to that the most effective preparations and use may be made of manpower, resources and facilities for dealing with any disaster that may occur.

### 1.18 CIVIL DEFESNE DIRECTOR.

- 1) **APPOINTMENT.**

The Civil Defense Director shall be the Village President or, in his or her absence or incapacity, the most senior member of the Village Board of Trustees who is then present within the Village of able to serve.
- 2) **DUTIES AND AUTHORITY.**

The Director shall be the executive Head of the Civil Defense organization and shall have direct responsibility for the organization, administration, and operation of the Civil Defense organization, subject to the direction and control of the President and Village Board. The Director shall coordinate all activities of Civil Defense within the Village and shall maintain liaison

and cooperate with Civil Defense agencies and organizations of other political subdivisions and of the state and federal government and shall participate in county and state Civil Defense activities upon request and shall have such additional authority, duties and responsibilities as are authorized by this chapter and as may from time to time be required by the Village Board.

### 3) GENERAL PLAN.

The Director shall prepare, or cause to be prepared, a comprehensive general plan for the Civil Defense of the Village and shall present such plan to the Village Board for its approval. When the Village Board has approved the plan by resolution it shall be the duty of all municipal agencies and all Civil Defense forces of the Village to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner.

#### 1.19 UTILIATION OF EXISTING SERVICES AND FACILITIES.

In preparing and executing the Civil Defense plan, the Director shall utilize the services, equipment, supplies, and facilities of the existing departments and agencies of the Village to the maximum extent practicable, and the officers and personnel of all such departments and agencies shall cooperate with and extend such services and facilities to the Director.

#### 1.20 EMERGENCY REGULATIONS.

Whenever necessary to meet a Civil Defense emergency for which adequate regulations have not been adopted by the Village Board, the President, or in his absence, the Director for Civil Defense, may by proclamation promulgate and enforce such orders, rules and regulations relating to the conduct of persons and use of property as shall be necessary to protect the public peace, health and safety, and preserve lives and property and to insure the cooperation necessary in Civil Defense activities. Such proclamations shall be posted in three (3) public places and may be rescinded by the Village Board by resolution at any time.

#### 1.21 MUTUAL AID AGREEMENTS.

The Director of Civil Defense may, subject to the approval of the Village Board, enter into mutual aid agreements with other political subdivisions. Copies of such agreements shall be filed with the state Director of Civil Defense.

#### 1.22 DECLARATION OF EMERGENCIES.

- 1) Upon the declaration by the Governor, by the President or the Civil Defense Director in the absence of the President, or by the Village Board of a state of emergency, the Director of Civil Defense shall issue all necessary proclamations as to the existence of such state of emergency and shall issue such disaster warnings or alerts as shall be required in the Civil Defense plan.
- 2) The Civil Defense organization shall take action in accordance with the Civil Defense plan only after the declaration of an emergency and the issuance of the official disaster warnings. Such state of emergency shall continue until terminated by the issuing authority, provided that any such declaration not issued by the Governor may be terminated at the discretion of the Village Board.

1.23 [RESERVED]

1.24 [RESERVED]

1.25 [RESERVED]

1.26 [RESERVED]

1.27 [RESERVED]

1.28 [RESERVED]

1.29 [RESERVED]

1.30 [RESERVED]

1.31 [RESERVED]

1.32 [RESERVED]

1.33 [RESERVED]

1.34 [RESERVED]

1.35 PENALTY.

- a. No person shall willfully obstruct, hinder or delay any member of the Civil Defense organization in the enforcement of any order, rule, regulation or plan issued pursuant to this chapter, or do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this chapter. Violators of this chapter shall be subject to penalties as provided in sec. 15.04 of this Code.

### 1.36 TRAFFIC REGULATION.

#### State Traffic Laws Adopted

Except as otherwise provided in this code, the statutory provisions in Chapters 340 to 348 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this code as if fully set forth herein. Any act required to be performed or prohibited by any regulations incorporated herein by reference is required or prohibited by this code. Any future amendments, revisions or modifications of this statutory regulations in Chapters 340 to 348 incorporated herein are intended to be made part of this code in order to secure to the extend legally practicable uniform statewide regulation of vehicles and traffic on highways, streets and alleys of the State of Wisconsin.

State Administrative Code Chapter TRANS 305 adopted. Except as otherwise specifically provided in this chapter, all provisions of Chapter TRANS 305 of the Wisconsin Administrative Code describing and defining standards for motor vehicle equipment, including penalties to be imposed, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by Chapter TRANS 305 incorporated herein by reference is required or prohibited by this chapter. Any motor vehicle equipment prohibited or required by Chapter TRANS 305 incorporated herein by reference is prohibited or required by this chapter.

15 MPH Speed limit District [Repealed 02-15-2006]

#### Loud Noise and Excessive Acceleration

No operator of a motor vehicle shall cause by excessive and/or unnecessary acceleration, the tires of such motor vehicle to squeal and emit unnecessary road noises or to throw stones, gravel or debris, nor shall such operator cause to be made, by excessive and unnecessary acceleration, any road or engine noise such as would unreasonably disturb the public peace.

#### Disorderly Conduct With a Motor Vehicle.

Conduct Prohibited. No person shall, with the Village of Lac La Belle, or by through the use of any motor vehicle, including but not limited to, an automobile, truck, motorcycle, minibike or snowmobile, cause or provoke disorderly conduct with a motor vehicle, cause a disturbance or annoy one or more persons, or disturb or endanger the property or the safety of another's person or property.

Definition. "Disorderly conduct with a motor vehicle" means the engaging in violent, abusive, unreasonably loud conduct, or disturbing or endangering the property or the safety of another's person or property, or deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire or causing the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.

#### Special/Seasonal Weight Limits.

Pursuant to Wis. Stat. § 349.16, the Village President or Road Commissioner may direct the imposition of special or seasonal weight limits on Village roads and highways or portion thereof which, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary condition, would likely be seriously damaged or destroyed in the absence of such special limitations.

The Village Board hereby authorizes the Village Clerk, the advice and consent of the Village President to grant exemptions for vehicles carrying medical supplies or that are used to perform services necessary to preserve or protect persons or property from the special weight limitations that are imposed under sub. (a) for vehicles carrying those commodities or that are used to perform those services, if such exemption or limitation is reasonable and necessary to promote the public health, safety, and welfare.

#### Parking Prohibited.

"No Parking" Areas. The Village Board may establish "No Parking" areas or limit parking in certain areas and blocks in the Village. Upon the posting of signs giving notice of such parking limitations, such limitations shall be in full force and effect.

The prohibitions of this section shall not apply when a vehicle is stopped temporarily for the purpose of and while actually engaged in loading or unloading, or while making repairs to a disabled vehicle.

#### Left Turns Prohibited Except by Local Traffic.

There shall be placed at or near the Lac La Belle Golf Club Driveway on Pennsylvania Avenue a sign which reads "No Left Turn Except Local Traffic." Such sign shall be placed within the public right-of-way in a location sufficient to give adequate notice of the regulation to those exiting the Lac La Belle Golf Club driveway.

For the purpose of this subsection, the term “Local Traffic” shall mean that traffic which exists the Lac La Belle Golf Course driveway and ends at a property located on Lac La Belle Drive, Monastery Hill Lane, or Monastery Hill Drive.

### 1.37 SNOWMOBILE REGULATION

#### STATE REGULATIONS ADOPTED.

Except as otherwise provided in the ordinance, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes area hereby adopted by reference and made part of this ordinance as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this ordinance.

350.01	Definitions
350.02	Operation of Snowmobiles on or in the Vicinity of Highways
350.03	Right-of-Way
350.04	Snowmobile Races, Derbies, and Routes
350.045	Public Utility Exemption
350.047	Local Ordinance to be Filed
350.05	Operation by Youthful Operators Restricted
350.55	Safety Certification Program Established
350.07	Driving Animals
350.08	Owner Permitting Operation
350.09	Head Lamps, Tail Lamps, and Brakes
350.10	Miscellaneous Provisions for Snowmobile Operation
350.101	Intoxicated Snowmobiling
350.102	Preliminary Breath Screening Test
350.1025	Application of Intoxicated Snowmobiling Law
350.103	Implied Consent
350.104	Chemical Tests
350.106	Report Arrest to Department
350.107	Officer’s Actions After Arrest for Operating a Snowmobile While Under the Influence of Intoxicant
350.11	Penalties



350.12	Registration of Snowmobiles
350.13	Uniform Trail Signs and Standards
350.135	Interference With Uniform Trail Signs and Standards Prohibited
350.15	Accidents and Accident Reports
350.155	Coroners and Medical Examiners to Report; Require Blood Specimen
350.17	Enforcement
350.19	Liability of Landowners
350.99	Parties to a Violation
346.02(10)	Applicability of Rules of the Road to Snowmobiles

The adoption of § 346.01(10) of the Wisconsin Statutes by reference is intended to include the rules of the road therein enumerated which are as follows: 346.04, 346.06, 346.11, 346.14(1), 346.18 to 346.21, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.92(1), and 346.94(1), and (9).

#### SNOWMOBILE OPERATION ON PUBLIC PROPERTY OR GOLF COURSES.

Except as provided in § 350.02 and § 350.045 of the Wisconsin Statutes, or for snowmobile events authorized in accordance with § 350.04, Wis. Stats., no person shall operate a snowmobile on any of the following property:

Any public sidewalk or parkway roads, except for the purpose of crossing to obtain immediate access to an authorized area of operation.

Any land within a public park.

Any public parking lot.

Any public property.

Any golf course.

#### NIGHTTIME SPEED LIMIT.

No person shall operate a snowmobile upon or across any public highway within the Village of Lac La Belle at speeds in excess of 10 miles per hour between the hours of 10:30 p.m. and 7:00 a.m.

#### DAYTIME SPEED LIMIT.

No person shall operate a snowmobile in areas designated in § 3.06 of this Code in excess of the posted limit or 25 miles per hour, whichever is lower, between the hours of 7:00 a.m. and 10:30 p.m.

#### HOURS OF OPERATION.

No person shall operate a snowmobile within the Village of Lac La Belle between the hours of 10:30 p.m. and 7:00 a.m., except upon a designated trail that crosses Village roadways as authorized by the Wisconsin Statutes and this ordinance or for the purpose of gaining access to or leaving Lake Lac La Belle.

#### UNATTENDED SNOWMOBILES.

No Person shall leave or allow a snowmobile to remain unattended on any Village highway or public property while the motor is running or with the starting key in the ignition.

#### OPERATION ON ICEBOUND WATERS.

No person shall operate or ride upon a snowmobile on Lake Lac La Belle at any time or place when such operation has been declared unsafe by the Village Police Chief. The Chief of Police is authorized and directed to procure, erect, and maintain signs and markers giving notice that such restriction are in effect at designated access points on such lake.

### 1.38 ALL-TERRAIN VEHICLE OPERATION.

#### STATE REGULATION ADOPTED.

Except as otherwise provided in the ordinance, the statutory provisions describing and defining regulations with respect to all-terrain vehicles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this ordinance as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required to be performed or prohibited by such statutes as required or prohibited by this ordinance.

- 23.33(1) Definitions
- 23.33(2) Registration
- 23.33(3) Rules of Operation
- 23.33(3g) Use of Headgear
- 23.33(4) Operation on or Near Highways
- 23.33(4c) Intoxicated Operation of an All-Terrain Vehicle
- 23.33(4g) Preliminary Breath Screening Test
- 23.33(4j) Applicability of the Intoxicated Operation of an All-Terrain Vehicle
- 23.33(4L) Implied Consent
- 23.33(4p) Chemical Tests
- 23.33(4t) Report Arrest to Department
- 23.33(4x) Officer's Action after Arrest for Operating an All-Terrain Vehicle While Under the Influence of Intoxicant
- 23.33(5) Age Restrictions
  - (a) through (c)
- 23.33(6) Equipment Requirements
- 23.33(7) Accidents
- 23.33(9) Administration; Enforcement; Aids.

23.33(12)	Enforcement
23.33(13)	Penalties
346.02(11)	Applicability to All-Terrain Vehicles

The adoption of § 346.02(11) of the Wisconsin Statutes by reference is intended to include the rules of the road herein enumerated which are as follows: s. 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1) and (9).

### 1.39 3.04 – 3.19 [RESERVED]

### 1.40 ENFORCEMENT.

This chapter shall be enforced in accordance with the provisions of § 66.12 and 345.20 to 345.53 and Chapter 299, Wis. Stats.

**Stipulation of Guilt or No Contest.** Any person charged with a violation of this chapter, may at the time of the alleged violation, or within 5 days thereafter make a stipulation of no contest, pursuant to § 66.12(1)(b), Wis. Stats., whenever the provisions of § 345.2 are inapplicable to such violations. Such person shall at the time of entering into such stipulation make the deposit as required under sub. (3) of this section. A person who has mailed or filed a stipulation under this subsection may, however, appear in Court on the appearance date.

**Deposits.** Any person stipulating guilt or no contest under subsection (2) of this section must make the deposit required under § 345.26, Wis. Stats., or if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the Deposit Schedule of this Code. Deposits may be brought or mailed to the office of the Clerk of Court as directed by the arresting officer.

**Notice and Receipt.** Every officer or person receiving a deposit under this chapter shall receipt therefore in triplicate as provided in §345.26(3)(b), Wis. Stats., Every officer or person receiving a deposit under this chapter shall comply with the provisions of § 343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under § 345.11, Wis. Stats.

### 1.41 PENALTIES

#### PENALTIES FOR SNOWMOBILE VIOLATIONS

Any person convicted of violating the provisions of § 3.02 of this Code shall be subject to penalties as set forth in § 350.11, Wis. Stats., as amended from time to time.

The Village Clerk shall file a copy of this ordinance upon its initial enactment and publication with the Wisconsin Department of Natural Resources.

#### PENALTIES FOR TRAFFIC VIOLATIONS

The penalty for violation of any provision of Section 3.01, shall be as hereinafter provided together with the cost of prosecution imposed as provided in § 345.20 to 345.53, Wis. Stats.

Uniform Offenses. Penalties for violation of any provision of Chapters 340 to 348, Wis. Stats., adopted by reference in § 3.01 of this chapter shall conform to the penalties for violation of the comparable state offenses, including any variations or increases for second (or subsequent) offenses.

Local Regulations. The penalty for violations of § 3.01(3) and (4) of this chapter shall be provided in § 15.04 of this Code.

Parking. The penalty for violations of § 3.01(6) of this chapter shall be \$25.00, if paid within 10 days of issuance, otherwise court costs will be added, except where a statutory counterpart is provided in subsection (a).

## 1.42 ALCOHOL LICENSING

### STATE STATUTES ADOPTED.

Pursuant to Wis. Stat. § 125.10(1), the provisions of Wis. Stat. Chapter 125 relating to the sale of intoxicating liquor and fermented malt beverages are hereby expressly adopted and incorporated into this Ordinance by reference. Violations of said statutes shall constitute a violation of this Ordinance and violators shall be subject to the penalties set forth in the applicable sections of the Wisconsin Statutes and as hereafter amended.

### LICENSE FEES.

The following fees shall be chargeable for licenses issued by the Village Board:

Class A Fermented Malt Beverage - \$25.00

Class B Fermented Malt Beverage - \$100.00

Class C Wine - \$100.00

Class Intoxicating Liquor - \$200.00

Class B Intoxicating Liquor - \$200.00

Operator's License - \$50.00 (Two year term).

Provisional Operator's License - \$50.00 (Valid either for one year from the date the license becomes valid in the Village or for the period remaining on the license under the ordinances of the issuing municipality, whichever is shorter).

## 1.43 REVOCATIONS, SUSPENSIONS, REFUSALS TO ISSUE OR RENEW.

State Statutes Adopted. The provisions of Wis. Stat. § 125.12(1), (2)(ag) and (ar), are hereby incorporated by reference in their entirety. Any license holder who procures for, sells, dispenses or gives away alcoholic beverages to a person who is a minor under state law shall be subject to suspension as provided under Wis. Stat. sec. 125.07.

Procedures. The provisions of Wis. Stat. sec. 125.12(2)(b) are hereby incorporated by reference in their entirety. Whenever the Village Board or Municipal Court revokes or suspends a license or permit or imposes a penalty on a license or permittee for the violation of this Chapter or Wis. Stat. Chapter 125, the Village Clerk or the Clerk of the Municipal Court shall, within 10 days after the revocation, suspension or imposition of the penalty, mail a report to the Department of Revenue at Madison,

Wisconsin, giving the name of the licensee, the address of the licensed premises and a full description of the penalty imposed.

Refusals to issue or renew. The Village Board may refuse to renew a license for the causes provided in Wis. Stat. sec 125.12(2)(ag). Prior to the time for the renewal of the license, the Village Board shall notify the licensee in writing of the Village's intention not to renew the license and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended action. The hearing shall be conducted as provided in Wis. Stat. sec. 125.12(2)(b) and judicial review shall be as provided in Wis. Stat. sec. 125.12(2)(d).

#### 1.44 LICENSING AND REGULATION OF DOGS.

##### LICENSE REQUIRED.

No person in the Village of Lac La Belle shall own, harbor, or keep any dog more than 5 months of age without complying with secs. 174.05 through 174.10 Wis. Stats., relating to the listing, licensing, and tagging of the same.

##### LICENSE FEE.

The license fee shall be at least the minimum required by Wis. Stats. § 174.05(2) and shall by resolution be established by the Village Board.

##### ATTACHMENT TO COLLAR.

The licensee, upon obtaining the license, shall securely attach the tag to a collar. This collar, with tag, shall at all times be kept on the dog for which the license is issued.

##### NUMBER OF DOGS.

No person occupying less than one acer of land shall keep or harbor more than two (2) dogs in any family dwelling unit, place of residence, or business within the Village, and the keeping or harboring of more than two (2) dogs in any family dwelling unit, place of residence, or business is declared to be a nuisance. This subsection shall not apply to the keeping of female dogs and their pups when such pups are lent than 8 weeks of age.

##### DEFINITIONS.

In this section, unless the context or subject matter otherwise requires:

“Owner” shall mean any person owning, harboring, or keeping a dog and the occupant of any premises on which a dog remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog within the meaning of this section.

“At Large” means to be off the premises of the owner and not under the control of the owner or a member of his immediate family, either by leash or otherwise; but a dog within an automobile of its owner or in an automobile of any other person with consent of the dog's owner, shall be deemed to be upon the owner's premises.

##### RESTRICTIONS ON KEEPING OF DOGS.

No person within the Village of Lac La Belle shall own, harbor or keep any dog which:

Habitually pursues any vehicle upon any public street, alley, or highway in the Village.

Assaults or attacks any person.

Is at large within the limits of the Village.

Habitually barks or howls to the annoyance of any person or persons.

Kills, wounds, or worries any domestic animal.

Is known by such person to be infected with rabies or to have been bitten by a dog known to have been infected with rabies.

#### DUTY OF OWNER IN CASES OF DOG BITE.

Every owner or persona harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the Village Police Department and shall keep such dog confined for not less than 14 days or for such period of time as the Village shall direct. The owner or keeper of any such dog shall surrender the dog for examination to any Village Police Officer upon demand.

#### PROTECTION AGAINST RABIES

When any person owning, harboring or keeping any dog is notified by a Village Police Officer that a dog he owns, keeps, or harbors has contracted rabies, or is being subject to the same, or is suspected by the Village Police Officer as having rabies or has bitten any person, it shall be the duty of the person who shall own, keep, or harbor such dog to surrender the same to the Village Police Officer immediately.

It shall be the duty of Village Police Officers to apprehend nay dog which shall have bitten any person, or which has contracted rabies, or has been subject to the same, or which the Police Officer has good reason to suspect has contracted rabies.

Any dog surrendered or apprehended hereunder shall be confined by the Village Police Officer until a Health Officer or Registered Veterinarian shall determine whether or not such dog is infected with rabies. If such dog is found to be infected with rabies, it shall be destroyed in a humane manner. If found not to be infected with rabies, it shall be returned to the person owning, harboring, or keeping such dog.

The Health Officer or Registered Veterinarian shall cause any dog seized by the Village Police Officer hereunder to be examined for rabies, and shall report in writing the result of the examination, to the Police Officer, and to such person, if known, owning, harboring, or keeping such dog.

#### FIERCE OR VICIOUS ANIMAL.

Any law enforcement officer having reasonable grounds to believe that any animal, except for any police canine while performing a law enforcement function, has caused injury to persons or animals within the Village may take such animal into custody pursuant to Wis. Stat. § 173.13 where such law enforcement officer has reasonable grounds to believe that the animal poses a significant threat to public health, safety or welfare.

If a law enforcement officer takes custody of an animal with the knowledge of the owner, the humane officer or law enforcement officer shall explain the procedure by which the owner can recover the animal, including the procedure under Wis. Stat. sec. 173.22, and the procedure to be followed if the animal is not returned to the owner.

If a law enforcement officer takes custody of an animal without the knowledge of the owner, the law enforcement officer shall promptly notify the owner in writing if he or she can be identified and located with reasonable effort. The notice shall explain the procedure by which the owner can recover the animal, including the procedure under Wis. Stat. sec. 173.22, and the procedure to be followed if the animal is not returned to the owner. The notice shall also inform the owner that the owner must notify any person with a lien on the animal that the animal has been taken into custody.

If the owner informs the humane officer or law enforcement in writing that he or she will not claim the animal, it may be treated as an unclaimed animal under Wis. Stats. 173.23(1m).

Disposition of any animal taken into custody under this section shall be governed by section 173.23 of the Wisconsin Statutes, as amended from time-to-time.

#### IMPOUNDING OF DOGS.

It shall be the duty of law enforcement officers to apprehend any dog running at large on any public land or on private land other than that of its owner and to confine such dog when apprehended.

#### RECLAIMING IMPOUNDED DOGS.

Any owner of a dog that has been confined by law enforcement officers for being at large may reclaim the dog upon payment of all costs and charges incurred in impounding and keeping such dog unless such dog has been confined as a fierce or vicious dog. It is hereby made the duty of law enforcement officials to keep, or cause to be kept, all dogs apprehended at large for a period of seven days to afford the owner of the dog an opportunity to reclaim it.

#### DOG WASTE

It shall be unlawful for any owner of a dog to fail to immediately remove the solid waste matter of the dog from any public or private property except that property owned by the dog owner.

Any person violating a provision of this Chapter, and upon conviction of any such violation, shall be subject to a penalty as provided in Ordinance 15.04 of this Code.

### 1.45 CIGARETTE LICENSING.

#### ADOPTION OF STATUTORY PROVISIONS.

The statutory provisions describing and defining regulations with respect to the sale and distribution of cigarettes in § 134.65, Wis. Stats., as it may be amended from time-to-time, are hereby adopted and by reference made a part of this article of the Village of Lac La Belle, with the same force and effect as though set forth herein verbatim.

#### DATE OF ISSUANCE.

All licenses shall be issued on July 1 of each year or when applied for and continue in force until the following June 30 unless sooner revoked.

#### SUBJECT TO RULES OF SANITATION.

The rules and regulations made by the State Board of Health governing sanitation of restaurants shall apply to all licenses issued under this article. No such license shall be issued unless the premises to be licensed conform to such rules and regulations.

#### REVOCAION OF LICENSE.

The license or permit of any persona shall stand revoked without further proceedings upon the conviction of such person for maintaining a disorder or riotous, indecent or improper house, or for permitting gambling in any form upon or within the premises or any appendage thereto. The license shall also stand revoked without further proceedings if the licensed premises are vacated and no application for transfer of the license to another premises has been made within 60 days after the licensed premises have been vacated.

#### LICENSE FEE.

The fee for such license shall be \$100.00 per year or fraction thereof.

### 1.46 SPECIAL EVENT PERMITS.

#### PREAMBLE.

The Village of Lac La Belle hereby determines that, as it is necessary to protect the health, safety and welfare of persons and property within the Village of Lac La Belle, Special Events and related activities shall be regulated.

#### DEFINITIONS.

The following terms are hereby defined for § 4.04 of this Code only;

PERSON – Any individual natural human being and any legal entity including but not limited to partnership corporation, firm, company, association, limited-liability company, society or group.

SPECIAL EVENT – An outdoor assemblage of 100 or more persons at any one time on public property for a performance, celebration, commemoration, display and/or sale of goods or other type of social gathering open to the public for free or upon payment of some kind of consideration; it includes, but is not limited to, whether for profit or not, outdoor festivals, flea markets, fun runs, bicycle races, walk-a-thons, footraces, marathons, athletic events, outdoor gatherings on nonresidential property, either public or private or a combination of both involving the use of temporary structures, and other similar-type activities that do not require a permanent site or business location and do not compromise public health, safety or welfare.

#### PERMIT; WHEN REQUIRED.

Prior to application, no person shall allow on their property or conduct a Special Event within the Village unless a permit has first been issued.

Applications for Special Event permits shall be made to the Village Clerk, on forms provided by the Village of Lac La Belle, and shall include at a minimum all of the following information:

The name, address and telephone number of the applicant;

The names, addresses and telephone numbers of all the partners, if the applicant is a partnership;

The names, addresses and telephone numbers of all of the officers and directors if the applicant is a corporation, or members if the applicant is a limited-liability company, or the identity, contact information, and addresses of the entire leadership of a society or group;

The location at which the event is to be conducted;



Details related to the nature of the event, including;

Whether or not music will be provided; Music for Special Events shall terminate at 9:00 p.m. if the event is held Sunday through Thursday and at 11:00 p.m. if the event is held on a Friday, Saturday or holiday weekend.

Whether or not alcoholic beverages will be served and, if so, what controls will be in place to prevent underage or intoxicated individuals from being served;

The anticipated number of event attendees;

Hours and/or days of operation for the Special Event; all Special Events as defined by this chapter shall cease operation no later than 10:00 p.m. Sunday through Thursday and no later than 12:00 midnight on Friday, Saturday or a holiday weekend.

An event site plan that documents the location of:

Vendors of consumable food or beverages;

Generators;

Parking accommodations (both off- and on-site); and

Proposed road closures, if any.

The Village Clerk, in consultation with Village department heads, may include specific conditions which require cleanup of public and private property in the vicinity of the location of the Special Event that may be littered.

The Village Clerk, in consultation with the Village President and/or Village Administrator and Chief of Police, may include special conditions which required additional security, provided on- or off-duty Village Police Officers, at the applicant's expense.

A cash deposit of \$500.00 may be required as a condition to assure such security is provided and/or such cleanup is satisfactorily accomplished within 24 hours. Said sum shall be used by the Village to offset any costs which it may incur in providing security and cleanup, and the balance of the deposit, if any, should be refunded upon final inspection. In the event insufficient funds are available to offset costs, the Village reserves the right to seek reimbursement through all means available to the Village. There will be no reissuance or new issuance of Special Events permits to the applicant or his or her organization until such payments are made. A contact person who will be available at all times during the Special Event and that person's cell phone number which must be accessible throughout the Special Event.

Applicant shall deliver notice to property owners within a five-hundred-foot radius of the Special Event site at least three weeks prior to the Special Event (property owner list shall be provided by the Village three weeks in advance); applicant must provide evidence of mailing, such as an affidavit, and a copy of the notice to the Village Clerk;

Proof of insurance, subject to Village Attorney approval in consultation with the Village President or Administrator, based on potential degree of risks posed by the Special Event

Signage and proposed location for such signage (to the extent allowed by § 8.23 of this Code);

Such other information as may be required to process the application.

Completed applications shall be submitted to the Village Clerk at least 60 days prior to the schedule date of the Special Event.

Notwithstanding the requirements of § 4.04(3)(B), the Village Clerk may accept an untimely or inadequately submitted application if the Village Clerk determines that there is reasonably sufficient time to review the application and any supplemental information, and process the application. Said discretion shall apply to applications submitted in accordance with § 4.04(7), Permit reissuance.

Upon receipt of a completed Special Event permit application, the Village Clerk shall refer said application to the Village President and Attorney and to the Village Board of Trustees for their review. The Village Clerk shall instruct all potentially affected Village departments to review the completed Special Event permit application and provide a report with recommendations concerning all phases of the proposed Special Event.

Should the application be deemed consistent with the requirements of this chapter, the Village Clerk shall issue the Special Event permit. Any application that is denied by the Village Clerk shall be processed in accordance with § 4.04(4).

#### APPEALS.

Any person aggrieved by a decision of the Village Clerk pursuant to this chapter is able to appeal solely to the Board of Trustees. Any appeal to the Board of Trustees under this chapter shall be made within 10 business days of the date that the Village Clerk issued the decision being appealed from. The Board shall consider the matter at the next available regular Board of Trustees meeting. Based upon testimony provided by both the applicant and the Village Clerk, and after consideration of impacts generated by the Special Event related to the health, safety and welfare of the Village, the Board may affirm, reverse, or modify the Village Clerk's initial decision.

#### BOARD OF TRUSTEES REVIEW.

All Special Events applications shall be referred to the Board of Trustees for review and approval. Based upon testimony and submissions provided by both the applicant and the Village Clerk and other relevant witnesses, and after considerations of potential impacts and submissions stemming from the Special Event on the health, safety and welfare of the Village, the Board may approve the application as presented, approve the application with conditions or deny the application.

#### PERMIT EXPIRATION.

All permits approved under this chapter are effective for only the times and dates specified within the application and further shall expire upon the cessation of event activities as identified on the approved Special Events permit application, unless said permit is reissued under the terms of § 4.04(7) or terminated under the terms of § 4.04(8).

#### PERMIT REISSUANCE.

Special Event permits previously approved under this chapter may be reissued by the Village Clerk, provided that the proposed Special Event does not materially differ from the Special Event previously approved and provided that all requirements of this chapter are met. Requests to reissue Special Event

permits shall be submitted in writing to the Village Clerk on an application form provided by the Village accompanied by the fee or any reimbursement that may be established by the Village Board. Said reissuance application shall be submitted at least 60 days prior to the start date of the event.

#### TERMINATION OF EVENT PERMIT.

A Special Event permit for an event in progress may be terminated by the Chief of Police, or his respective designee if public safety is compromised or threatened by activities generated during the event, if the participants engage in violent, riotous, disorderly or destructive behavior causing injury to persons or damage to property, or if there is a violation of the conditions of the permit such that conditions of issuance are no longer met.

#### VIOLATIONS AND PENALTIES.

Any person who shall violate any provision of this chapter or any policy or procedure made under this chapter shall be subject to a forfeiture of no less than what the permit fee and/or deposit would have been, had a permit been properly obtained, plus any additional penalty provided in § 15.04 of this Code.

#### 1.47 4.05 THROUGH 4.19 [RESERVED]

#### 1.48 PENALTY.

Any person who shall violate any provision of this chapter shall be subject to penalties as provided in sec. 15.04 of this Code.

#### 1.49 DISCHARGE OF FIREARMS PROHIBITED.

General Prohibition. Except as otherwise provided herein, no person, except a peace officer or individual who is part of a deer management program approved by the Wisconsin Department of Natural Resources and the Village Board of Trustees and conducted under the supervision of the Chief of Police, shall use or discharge any firearm of any description within the Village of Lac La Belle.

Exception. BB guns and other air guns may be discharged within the Village provided such discharge is conducted under adult supervision and provided the shot or projectile does not leave the property on which the discharge is made. Notwithstanding this exception, the use of BB guns and air guns is not allowed on Village or public property.

#### 1.50 SHOOTING OF PROJECTILES PROHIBITED.

No person shall shoot or otherwise project any object, arrow, stone, or other missile or projectile at any person or at, in, or onto any building, street, sidewalk, alley, highway, Village property, or public place within the Village of Lac La Belle. Notwithstanding the foregoing prohibition, such activity is permitted on Village or public property provided such activity is conducted as part of a deer management program approved by the Village Board of Trustees.

### 1.51 BURNING OF GRASS AND TRASH RESTRICTED.

#### GRASS FIRES REGULATED.

No person shall kindle any grass fire within the Village of Lac La Belle without first securing a written permit from the Village of Lac La Belle. Said permit shall be subject to the reasonable restrictions imposed by the Village of Lac La Belle, and in addition to those restrictions, the fire must be located no less than 100 feet from the shore of the Lake. The burning of yard waste and green wood is prohibited.

#### PERMIT REQUIRED FOR OPEN BURNING.

No person shall kindle or cause to be kindled or maintain any outdoor fire in the Village of Lac La Belle unless:

A fire is located no less than 100 feet from the share of the Lake and contained in a fire pit that is no larger than twenty-four (24) inches in diameter and is only used for outdoor cooking or campfire purposes and only dried, pre-cut wood, in lengths no more than eighteen (18) inches to inhibit potash formation, is used as fuel, or

The person first receives a permit from the Village of Lac La Belle for the fire. Said permit shall be subject to the reasonable restrictions imposed by the Village of Lac La Belle, and in addition to those restrictions, the fire must be located no less than 100 feet from the shore of the Lake.

#### DEFINITIONS.

Green wood. Means wood that has been recently cut and therefore has not had an opportunity to season or dry by evaporation of its internal moisture.

### 1.52 SALE AND DISCHARGE OF FIREWORKS RESTRICTED.

Wisconsin Statutes section 167.10; Regulation of Fireworks is adopted by reference and made part of this chapter as though set forth in full.

### 1.53 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED.

No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village in such a manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, hall or meeting place.

### 1.54 PROHIBITION AGAINST RECEIPT OF GIFTS OR GRATUITIES.

It shall be unlawful for any public employee or public official to receive or offer to receive, either directly or indirectly, any gift, gratuity, or anything of value which he is not authorized to receive from any person, if such person:

Has or is seeking to obtain contractual or other business or financial relationships with such public employee's employer or the governmental body of the public official, or

Conducts operations or activities which are regulated by such public employee's employer or the governmental body of the public officials, or

Has interests which may be substantially affected by such public employee's employer or the governmental body of the public official.

The receipt of any gift, gratuity, or anything of value as denoted above is contrary to the public policy of the Village of Lac La Belle, Waukesha County, Wisconsin.

## 1.55 PUBLIC DRUNKENNESS AND UNDERAGE CONSUMPTION OF ALCOHOL PROHIBITED.

### PUBLIC DRUNKENNESS.

No person shall be, and appear in any public place within the Village in a drunken or intoxicated condition so as to unreasonably disturb the good order and quiet of the Village or be found in any public place within the Village in such a state of intoxication that he is unable to care for his or her own safety or for the safety of others.

### UNDERAGE CONSUMPTION OF ALCOHOL PROHIBITED.

As provided for in Wis. Stat. sec 125.10, the provisions of Wis. Stat. sections 125.07(4)(a), (b), and (bm), 125.085(3)(b) and 125.09 regulating conduct of underage persons are hereby expressly adopted and incorporated into this Ordinance by reference. Violators of these provisions shall be subject to the penalties set forth in said sections of the Wisconsin Statutes and as hereafter amended.

As provided or in Wis. Stat. § 125.07(1):

No person may procure for, sell, dispense, or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age;

No license or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age;

No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This subdivision does not apply to alcohol beverage used exclusively as part of a religious service, and

No adult may intentionally encourage or contribute to a violation of Wis. Stats. § 125.07(4)(a) or (b).

Any person who commits a violation of paragraph (b) of this Section (2) shall be subject to a forfeiture of not less than \$250.00 nor more than \$500.00 if the person has not committed a previous violation within thirty (30) months of the violation. Violations shall be measure from the dates of violation that resulted in the imposition of a forfeiture or conviction. Any person who commits more than one violation of paragraph 2(b) within a thirty (30) month period shall be subject to penalties set forth in Wis. Stat. § 125.07(b)-(d).

## 1.56 LOUD AND UNNECESSARY NOISE.

No person shall either:

Make or assist in making any unreasonable noise or disturbance; or

Commit or assist in committing the following acts:

Motor vehicle noise. Using any motorized vehicle so as to create a loud or unreasonable noise that unreasonably disturbs or annoys another person or persons. Such uses shall include but are not limited to:

Operation with damaged or modified exhaust.

Operation of horn other than in emergency situations.

Operation of audio equipment at excessive levels.

Excessive acceleration or excessive road or engine noise as prohibited in Section 3.03 of this Code of Ordinances.

Construction, maintenance or other equipment. Within any ninety (90) day period, twice using any equipment or machinery for the construction or maintenance of property, including but not limited to lawn mowers, or for any other reason, so as to cause any noise from 10:00 p.m. until 7:00 a.m. This section, however shall not be construed to apply to operation of snow removal equipment.

Other noise. Repeatedly creating a loud noise which, under the circumstances involved, unreasonably disturbs or annoys another person or persons through use of any radio, phonograph or other audio equipment or through excessive yelling or shouting or through the keeping of any noisy bird or animal not otherwise regulated by this Code of Ordinances.

Exceptions. Nothing in this section shall be construed as to restrict or penalize the causing of noise:

In any emergency situation;

To protect life or personal property;

To restore utilities;

To remove snow; or

In a manner related to the normal course of business approved through a plan of operation accepted by the Plan Commission.

### 1.57 FALSE ALARMS PROHIBITED.

No person shall give or send or cause to be give or set in any manner any alarm he or she knows to be false. Violations of this subsection shall be subject to the penalties set forth in Section 15.04 of this Code of Ordinances.

Any false alarm from an alarm system responded to by the Village's Police Department and/or any Fire Department providing fire protection service to the Village in excess of one in the twelve (12) month period of November 1<sup>st</sup> through October 31<sup>st</sup> will incur a special charge for current services rendered of seventy-five dollars (\$75.00).

Any special charges under this Section that remain unpaid on November 15<sup>th</sup> of the current year shall be come a lien on the property, and shall automatically be extended upon the tax roll as a special charge against the property served pursuant to Section 66.60(16) of the Wisconsin Statutes, regardless of whether the resident individual or business causing the alarm is the property owner.

An administrative charge of fifteen dollars (\$15.00) shall be charged for each individual or business incurring one or more special charges placed on the tax roll in any given year.

For purposes of this section, a “false alarm” shall mean any alarm not occasioned by, or arising out of, an emergency situation, provided, however, that the Chief of Police may waive the application of the section upon presentation of that reasonably satisfies the Chief of Police that the alarm did not result from, or arise out of, negligence, carelessness or inadequate or improper maintenance.

A copy of this Section shall be personally delivered or sent via mail to the property owner following the occurrence of the first false alarm.

#### 1.58 LITTERING PROHIBITED.

No person shall throw away glass, rubbish, waste or filth upon the streets, alleys, highways, public parks or other property of the Village or upon any private property of the Village or upon any private property not owned by him or upon the surface of any body of water within the Village of Lac La Belle.

#### 1.59 GAMBLING, LOTTERIES, FRAUDULENT DEVICES AND PRACTICES PROHIBITED.

All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the limits of the Village. Any peace or Police Officer of the Village is hereby authorized to seize anything devised solely for gambling if found in actual use for gambling within the Village and to dispose thereof after a judicial determination that said device was used solely for gambling or found in actual use for gambling.

#### 1.60 VAGRANCY AND LOITERING PROHIBITED.

No person shall within the Village loiter or loaf about any public building, place or premises or wander about the streets, alleys, parks or other public places either by day or night, whose actions give rise to a suspicion of wrongdoing and who is unable to give a satisfactory account of himself, or who, having the physical ability to work is without any visible means of support and does not seek employment or who derives part of his support from begging, prostitution, pandering, fortune telling or as a similar imposter.

#### 1.61 ADOPTION OF STATUTOATRY PROVISIONS.

The provisions of the following sections of the Wisconsin Statutes are adopted and by reference made a part of this article as if fully set forth herein. A violation of any such provisions shall constitute a violation of this article.

Trespass to land – Section 943.13

Attempted theft – Section 939.32(1) and (3)

Battery – Section 940.19(1)

Negligent operation of vehicle off highway – Section 941.01(1)

Carrying a concealed weapon – Section 941.23

Criminal damage to property – Section 943.01(1)

Criminal trespass to dwelling – Section 943.14

Theft of property – Section 943.20

Fraud on hotel or restaurant keeper – Section 943.21

Retail theft – Section 943.50

Issue of worthless check – Section 943.24

Fraudulent use of credit cards – Section 943.41

Resisting or obstructing an officer – Section 946.41

Disorderly conduct – Section 947.01

Unlawful use of telephone – Section 947.012

Unlawful use of computerized communication systems – Section 947.0125

Possession of marijuana – Sections 961.01(14) [subject to § 961.43(3g)(intro.)] and 961.43(3g)(intro.) and (a)(1)

Possession of controlled substance – Section 961.47(38)

Drug paraphernalia (under 17 years of age) – Section 961.577

Fornication – Section 944.15

Lewd and lascivious behavior – Section 944.20

Interference with Fire Fighting Equipment – Section 941.12

Aiding and abetting any of such listed offenses – Section 939.05

## 1.62 CURFEW

No person under the age of 18 shall congregate, loiter, wander, stroll, stand or play upon any public street, sidewalk, highway, road, alley, park, vacant lot, public building, place of amusement or entertainment or any public place within the Village, either on foot or in or upon any conveyance being driven or parked thereon, between the hours of 11:00 p.m. and 5:00 a.m., unless accompanied by his/her parent, spouse, guardian or other adult person having legal care or custody of such person. For purposes of this Section, “public place” includes any place which the public or a substantial group of the public has access to. The term includes streets, highways, and the common areas of any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.”

This section shall not apply to any person under 18 years of age who is:

Returning to his/her home directly from and immediately after the end of any civic, religious, educational, athletic or social event sponsored by any accredited school, tax exempt church or governmental unit or agency, which event such person could properly and did in fact attend.

Returning directly from and going directly to his/her place of employment or lawfully involved in employment related activities that were known to and approved by his/her parent, spouse, guardian or other adult person having legal care or custody of such person.



Returning directly from or going directly to any other specific activity that has been specifically approved in advance in writing by his/her parent, spouse, guardian or other adult person having legal care or custody of such person, provided that such written approval is in the possession of the person under the age of 18 years of age while he/she is returning from or going to such other place or activity and he/she surrenders it to the law enforcement officer upon request.

Engaged in bona fide interstate or interstate travel either through the Village or beginning or ending in the Village.

Engaged in dealing with, or returning from having dealt with, an actual emergency situation effecting life and/or property.

An emancipated minor.

Married to a person over the age of 18 years.

Law enforcement officers that observe a person that reasonably appears to be under the age of 18 years and further appears to be in violation of this Ordinance shall ask the age of the apparent offender and inquire into their reasons for being in a public place during curfew hours before taking any enforcement action. Law enforcement officers shall issue a citation or arrest an apparent offender only if the officer reasonably believes that the person has violated the ordinance and that no defenses set forth in the Ordinance apply.

No parent, spouse or guardian, or other adult person having legal care or custody of a person under the age of 18 years, shall knowingly suffer, permit, or by insufficient control, allow such person to violate the provisions of subsection (1) of this Ordinance, provided that any such parent, spouse, guardian or other adult person who shall have made a missing person notification to the law enforcement authorities shall not be considered to have suffered, permitted or allowed such a violation.

No person operating a place of amusement or entertainment within the Village of Lac La Belle, or any agent, servant or employee of any such person, shall permit any person under the age of 18 years to enter or loiter in such places of amusement or entertainment during the hours prohibited under this section, unless such person is accompanied by his/her parent, spouse, guardian or other adult person having his/her care, custody or control; provided, however, that a minor may enter the place of amusement or entertainment during the hours prohibited under this section only with the advance written permission and approval of his parent, spouse, guardian or person having legal custody of such minor to remain on the premises until 5:00 a.m. during a special event; and provided further that such written approval shall be accepted by the operator or his agent and with his permission. This latter written approval shall be surrendered by the operator or agent to the Police Department at the request of a Police Officer.

## 1.63 USE AND SALE OF LAWN FERTILIZERS

### PURPOSE AND INTENT.

The Village of Lac La Belle Board of Trustees finds that Lake Lac La Belle and Village streams are natural assets, which enhance the environmental, recreational, cultural and economic resources of the area and contribute to the general health and welfare of the public. The Board further finds that regulating the

amount of nutrients and contaminants, including phosphorus contained in fertilizer, entering the lakes and streams will improve and maintain lake water quality.

#### APPLICABILITY.

This ordinance applies in all areas of the Village of Lac La Belle.

#### DEFINITIONS.

Law fertilizer means any fertilizer, whether distributed by property owner, renter or commercial entity, distributed for nonagricultural use, such as for lawns, golf courses, parks and cemeteries. Lawn fertilizer does not include fertilizer products intended primarily for garden and indoor plant application.

#### REGULATION OF THE USE AND APPLICATION OF LAWN FERTILIZER.

Effective August 1, 2006, no person shall apply any lawn fertilizer within the Village of Lac La Belle that is labeled as containing more than 0% phosphorus or other compound containing phosphorus, such as phosphate, except, as provided in subsection (5) below.

No lawn fertilizer shall be applied when the ground is frozen.

No person shall apply fertilizer to any impervious surface including parking lots, roadways, and driveways. If such application occurs, the fertilizer must be immediately contained and either legally applied to turf or placed in an appropriate container.

#### EXEMPTIONS.

The prohibition against the use of fertilizer under subsection (4) shall not apply to:

Newly established turf or lawn areas during their first growing season.

Turf or lawn areas that soil tests, performed within the past three years by a state-certified soil testing laboratory, confirm are below phosphorus levels established by the University of Wisconsin Extension Service. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluation.

Agricultural uses. Vegetable and flower gardens, or application to trees or shrubs.

Yard waste compost, biosolids or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

#### SALE OF FERTILIZER CONTAINING PHOSPHORUS.

Effective August 1, 2006, no person shall sell, display, or offer for sale any lawn fertilizer within the Village of Lac La Belle that is labeled as containing more than 0% phosphorus, or other compound containing phosphorus, such as phosphate, except such fertilizer may be sold for use under subsection (5).

#### ENFORCEMENT OF PENALTIES.

Any person who violates any provision of this section shall be subject to a forfeiture of \$50.00 for the first violation within a twelve month period, \$150.00 for the second violation within a twelve month period, and \$300 for the third and each subsequent violation within a twelve month period.

## 1.64 5.16 – 5.29 [RESERVED]

### 1.65 PENALTY

Any person who shall violate any provision of this chapter shall be subject to penalties as provided in § 15.04 of this Code. Any person who shall violate § 5.14(6) shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or legal guardian of any un-emancipated minor child who violates § 5.14(6) shall be subject to § 895.035, Wis. Stats.

### 1.66 PUBLIC NUISANCES PROHIBITED.

No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the Village.

### 1.67 PUBLIC NUISANCE DEFINED.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.

In any way render the public insecure in life or in the use of property.

Greatly offend the public morals or decency.

Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

### 1.68 PUBLIC NUISANCES AFFECTING HEALTH.

The following acts, omissions, places conditions and things are hereby-specifically declared to be health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of sec. 6.02:

#### ADULTERATED FOOD.

All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.

#### UNBURIED CARCASSES.

Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

#### BREEDING PLACES FOR VERMIN, ETC.

Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

#### STAGNANT WATER.

All stagnant water in which mosquitoes, flies or other insects can multiply.

#### PRIVY VAULTS AND GARBAGE CANS.

Privy vaults and garbage cans which are not fly-tight.

#### NOXIOUS WEEDS.

All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height of not to exceed one foot.

#### WATER POLLUTION.

The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

#### NOXIOUS ODORS, ETC.

Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.

#### STREET POLLUTION.

Any use of property that shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, pathway, or public place within the Village.

#### FEEDING OF WILD GAME ANIMALS AND WATERFOWL.

Placing, depositing, or allowing the placement of, any material that feeds or attracts wild game animals, to include deer, or waterfowl, to include ducks and geese, for the purposes of hunting or for non-hunting purposes including recreational and supplemental feeding.

### 1.69 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency. But such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of sec. 6.02:

#### DISORDERLY HOUSES.

All disorderly houses, bawdy houses, houses of ill fame, gambling houses, and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

#### GAMBLING DEVICES.

All gambling devices and slot machines.

#### UNLICENSED SALE OF LIQUOR AND BEER.

All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Village.

#### CONTINUOUS VIOLATION OF VILLAGE ORDINANCES.

Any place or premises within the Village where Village ordinances or state laws relating to public health, safety, peace, morals, or welfare are openly, continuously, repeatedly and intentionally violated.

#### ILLEGAL DRINKING.

Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Village.

### 1.70 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of sec. 6.02.

#### SIGNS, BILLBOARDS, ETC.

All signs and billboard, awning and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.

#### ILLEGAL BUILDINGS.

All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village.

#### UNAUTHORIZED TRAFFIC SIGNS.

All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal.

#### OBSTRUCTION OF INTERSECTIONS.

All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

#### TREE LIMBS.

All limbs of trees which project over and less than 10 feet above any public sidewalk, street or other public place.

#### DANGEROUS TREES.

All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

#### FIREWORKS.

All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Village.

#### DILAPIDATED BUILDINGS.

All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

#### WIRES OVER STREETS.

All wires over streets, alleys, or public grounds which are strung less than 15 feet above the surface thereof.

#### NOISY ANIMALS OR FOWL.

The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.

#### OBSTRUCTIONS OF STREETS; EXCAVATIONS.

All obstructions of streets, alleys, pathways, or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinances are kept or maintained for an unreasonable or illegal of time after the purpose thereof has been accomplished, or do not conform to the permit.

#### UNLAWFUL ASSEMBLY.

Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

#### 1.71 LOCATION, CONSTRUCTION AND MAINTENANCE OF PRIVY VAULTS, CESSPOOLS AND SEPTIC TANKS.

No person shall build any surface privy, dry closet, cesspool or septic tank or other method of sewage disposal, or cause the same to be built, located, placed, or constructed on any lot or premises within the Village limits.

The Building Inspector shall enforce the provisions of this section and see that all violations thereof are promptly abated and the violators prosecuted. The Village Police Chief, the Village Attorney, and the Health Board shall assist the Plumbing Inspector in enforcing this section.

#### 1.72 DUTCH ELM DISEASE CONTROL.

##### DUTCH ELM DISEASE AND ELM BARK BEETLES DECLARED PUBLIC NUISANCES.

Whereas the Village Board has determined that there are many elm trees growing on public and private premises within the Village of Lac La Belle, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the Village and that the health and life of such trees is threatened by a fatal disease known as Dutch Elm disease which is spread by the elm bark beetles *Scolytus Multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.), the Board hereby declares its intention to control and prevent the spread of such disease and the insect pests and vectors which carry such disease and declares Dutch Elm disease and the elm bark beetles which carry such disease to be public nuisances.

##### VILLAGE FORESTER.

The office of Village Forester is hereby created to be filled by appointment by the Village President subject to confirmation by the Village Board. The Village Forester shall have the powers and perform the duties imposed by this section and by Ch. 27 Wis. Stats. And other statutes.

##### DEFINITIONS.

As used in this section, unless otherwise clearly indicated by the context:

“Public nuisance” means

Dutch Elm disease.

Elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.).

Any living or standing elm tree or part thereof infected with the Dutch Elm disease fungus or in a weakened condition that harbors any of the elm bark beetles, *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.).

Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying concentrate.

“Public property” means premises owned or controlled by the Village; including without limitation because of enumeration, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards, and the terrace strip between the lot line and the curb or between the right-of-way line and the traveled portion of the public way of any public highway.

#### INSPECTION.

The Village Forester shall inspect or cause to be inspected at least twice each year all premises and places within the Village to determine whether any public nuisance exists thereon. He shall also inspect or cause to be inspected any elm tree reported or suspected to be infected with the Dutch Elm disease or any elm tree bark bearing material reported or suspected to be infested with elm bark beetles.

Whenever necessary to determine the existence of Dutch Elm disease or elm bark beetles in any tree, the person inspecting such tree shall remove or cut specimens from the tree in such manner as to avoid permanent injury thereto and deliver such specimen to the forester who shall forward them to the Wisconsin Department of Agriculture at Madison for analysis to determine the presence of such nuisances.

The Forester and his agents or employees shall have authority to enter upon private premises at reasonable time for the purposes of carrying out any of the provisions of this section.

#### ABATEMENT OF NUISANCES: DUTY OF FORESTER.

The Forester shall order, direct, supervise and control the abatement of public nuisances as defined in this section by removal, burning or by other means that he determines to be necessary to prevent as fully as possible the spread of Dutch Elm disease fungus or the insect pests or vectors known to carry such disease fungus.

Whenever the Forester after inspection or examination shall determine that a public nuisance as herein defined exists on public property in the Village, he shall immediately abate or cause the abatement of such nuisances in such manner as to destroy or prevent as fully possible the spread of Dutch Elm disease or the insect pests or vectors know to carry such disease fungus.

#### NOTICE AND HEARING.

When the Forester shall determine with reasonable certainty that a public nuisance exists upon private premises (or upon the terrace strip between the lot line and the curb) or upon the right-of-way line, he shall immediately serve or cause to be served personally or by registered mail upon the owner of such property (or the abutting property) if he can be found, or upon the occupant thereof, a written notice of the existence of such nuisance and of a time and place for a hearing, not less than 14 days after service of such notice, on the abatement action to be taken. Such notice shall describe the nuisance and recommended procedures for its abatement, and shall further state that unless the owner shall abate

the nuisance in the manner specified in the notice, or shall appear at the hearing to show that such nuisance does not exist or does not endanger the health of elm trees in the Village, the Forester shall cause the abatement thereof at the expense of the property served (or abutting property). If the owner cannot be found, such notice shall be given by publication in a newspaper of general circulation in the Village.

If after hearing held pursuant to the subsection it shall be determined by the Forester that a public nuisance exists, eh shall forthwith order the abatement thereof. Unless the property owner abates the nuisance as directed within 7 days after such hearing, the Forester shall proceed to abate the nuisance and cause the cost there of to be assessed against the property in accordance with the procedures provided in this ordinance. The Forester may extend the time allowed to property owner for abatement work but not to exceed 14 additional days.

#### COST OF TREE CARE: SPECIAL ASSESSMENTS.

The cost of abatement of a public nuisance shall, at the direction of the Forester, if the nuisance, tree or wood is located on public property be borne by the Village except the cost of abating a public nuisance located on the terrace strip between the lot line and the curb or located on any right-of-way between said right-of-way line and the traveled portion of the public highway shall be assessed to the abutting property as hereinafter provided.

The cost of abating a public nuisance located on private premises when done at the direction and under the supervision of the Forester shall be assessed to the property on which such nuisance, tree or wood is located as follows:

The Forester shall keep a strict account of the cost of such work and the amount charged to each lot or parcel and shall report such work, charges, description of lands to which charged and names and addresses of the owners of such lands to the Village Board on or before October 15 of each year.

Upon receiving the Forester's report, the Village Board shall hold a public hearing on such proposed charges, giving at least 14 days advance notice of the time, place and purpose of such hearing to interested persons by publication in a newspaper of general circulation in the Village and by mail to the owner of each property proposed to be charged. Each property owner shall be notified of the amount proposed to be assessed against his premises and the work for which such charge is being made.

After the hearing, the Village Board shall affirm, modify and affirm or disapprove such assessments by resolution and shall cause a copy thereof to be published. Upon adoption and publication of such resolution, assessments made thereby shall be deemed final.

The Village Clerk shall mail notice of the amount of such final assessment to each owner of property assessed at his last know address, stating that unless paid within 30 days of the date of the notice, such assessment shall bear interest at the rate of 6% per annum and will be entered on the tax roll as delinquent tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such assessment.

The Village hereby declares that in making assessments under this section, it is acting under its police power and no damages shall be awarded to any owner for the destruction of any diseased or infested elm tree or elm wood or part thereof.



#### PROHIBITED ACTS AND PENALTIES.

Any person who does any of the following acts within the Village of Lac La Belle shall be subject to section 15.04.

Transports any bark bearings elm wood, bark or material on public streets or highways or other public premises without first securing the written permission of the Forester.

Interferes with or prevents any acts of the Forester or his agents or employees while they are engaged in the performance of duties imposed by this section.

Refuses to permit the Forester or his duly authorized representative to enter upon his premises at reasonable times to exercise the duties imposed by this section.

Permits any public nuisance to remain on any premises owned or controlled by him when ordered by the Forester to abate such nuisance.

#### 1.73 ABATEMENT OF PUBLIC NUISANCES.

##### ENFORCEMENT.

The Chief of Police, the Chief of the Fire Department, the Building Inspector and Health Officer shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that nuisance does in fact exist.

##### SUMMARY ABATEMENT.

If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the President may direct the proper officer to cause the same to be abated and change the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

##### ABATEMENT BY COURT ACTION.

If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If such nuisance is not removed within such 10 days, the proper officer shall cause the nuisances to be removed as provided in cube section (2).

##### OTHER METHODS NOT EXCLUDED.

Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.

#### 1.74 COST OF ABATEMENT.

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the

nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

#### 1.75 STORAGE OF JUNKED MOTOR VEHICLES PROHIBITED.

##### STORAGE A NUISANCE.

It is hereby declared and found that abandoned, junked, discarded, dismantled and unregistered motor vehicles upon private property within the Village are detrimental to the public health, welfare and safety. Such vehicles constitute an attractive nuisance to children and are a peril to their safety, depreciate the value of neighboring properties and constitute a fire hazard. The purpose of this Section is to terminate such practices.

##### STORAGE PROHIBITED.

No person, either as owner, lessee, occupant or otherwise, shall store or deposit, or cause or permit to be stored or deposited, an abandoned, junked, discarded, dismantled or unregistered motor vehicle in and upon any private property, street or government property within the Village. This Section shall not prohibit the parking an unlicensed motor vehicle or motorcycle in a private garage.

##### DEFINITION.

For purposes of this ordinance, the definitions of “abandoned”, “junked”, “discarded”, “dismantled” and “unregistered” motor vehicles include, but are not limited to any vehicles that are incapable of being self-propelled upon the public streets, vehicles whose owners cannot be identified, and those vehicles that are without current license plates.

#### 1.76 6.11 – 6.19 RESERVED.

#### 1.77 PENALTY.

Any person who shall violate any provision of this chapter or permit or cause a public nuisance shall, in addition to abatement provisions expressly provided for in this Chapter, be subject to penalties as provided in sec. 15.04 of this Code.

#### 1.78 PURPOSE.

The purpose of this chapter is to promote the public health, safety, and general welfare of the community and these regulations are designed to lesson congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the further re-subdivision of large tracts into smaller parcels of land. These regulations are made with reasonable consideration, among other things, of the character of the Village with a view of conserving the value of the buildings placed upon the land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the Village.

### 1.79 DISCLAIMER OF LIABILITY.

The Village does not guarantee, warrant or represent that only those areas delineated as floodlands on plats and certified survey maps will be subject to periodic inundation, nor does the Village guarantee, warrant or represent that the soils show to be unsuited for a given land use from tests required by the Chapter are the only unsuited soils within the jurisdiction of this chapter; and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies, or employees for flooding problems, sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this Chapter.

### 1.80 LAND SUITABILITY.

No land shall be divided that is held unsuitable for the purposed use by the Board of Trustees, after review and recommendation by the plan commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, for reasons state in the Zoning Ordinance of the Village of Lac La Belle, or for any other reason likely to be harmful to the health, safety or welfare of the future residents of the proposed land division or of the community or feature. The Board of Trustees, in applying the provisions of the section, shall recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider so desires. Thereafter, the Board of Trustees may affirm, modify or withdraw its determination of unsuitability.

### 1.81 CONSTRUCTION.

Commencement or continuation. No construction or installation of improvements shall be commenced or continued on any property within the Village until a final plat, or certified survey map submitted to the Village Board for approval, has been reviewed by the Plan Commission, approved by the Village Board and recored with the Register of Deeds regarding such property; the Village building inspector has given written authorization; and all inspection and permit fees have been paid.

Building permits. No building or street opening permits shall be issued for erection of a structure on any lot until all applicable requirements for issuance of said building permit(s) have been complied with and all applicable fees have been paid.

### 1.82 GENERAL REQUIREMENTS FOR DIVISION OF LAND.

Any division of land within the Village that results in a subdivision as defined herein shall be surveyed and a plat thereof approved and recorded as required by the Chapter and Chapter 236, Wis. Stats.

Any division or re-division of land other than a subdivision within the Village, of which a plat has not been approved and recorded, shall be surveyed and a certified survey map of such division approved and recorded as required by Section 7.11 of this Chapter and Chapter 36, Wis. Stats.

The provisions of this Chapter, as it applies to divisions of tracts of land into less than 5 parcels, shall not apply to:

Transfers of interests in land by will or pursuant to court order;

Leases for a term not to exceed 10 years, mortgages or easements;

The sale or exchange of parcels of land between owners of adjoining property if all of the following are true:

Additional lots are not thereby created;

The lots resulting are not reduced below the minimum sizes required by this Chapter, the Zoning Ordinance, or other applicable laws or ordinances;

The parcels of land and/or any existing improvements thereon do not violate, or become violative of, the provisions of this Chapter or the Zoning Ordinance; and

No modification is made to the exterior boundaries or lot lines of an existing lot or outlot that has previously been recorded on a plat or certified survey map.

### 1.83 DEFINITIONS.

For the purposes of this Chapter, the following terms are defined:

#### ALLEY.

A public or private way that provides secondary access to property.

#### BLOCK.

A parcel of land bounded on at least one side by a street and on the other sides by a natural or fabricated barrier.

#### BUILDING SITE.

A parcel of land occupied or intended to be occupied by a structure as permitted under applicable zoning regulations.

#### CERTIFIED SURVEY MAP.

A map of a land split prepared in accordance with Chapter 236, Wis. Stats. That has been approved by the Village Board of Trustees and recorded with the Register of Deeds.

#### CUL-DE-SAC.

A short street having one end open to motor traffic and a vehicular turn-around provided on the other end.

#### FRONTAGE.

The smallest dimension of a lot abutting a public or private street measured along the street line.

#### LAND SPLIT.

A division of land other than a subdivision.

#### MINOR LAND DIVISION.

Any division of land not defined as a subdivision. Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two, but not more than four parcels or building sites, or the changing of the exterior boundaries of an existing lot or outlot created by plat or certified survey map. All minor land divisions shall be made by a certified survey map subject to the approval of the Village Board of Trustees.

#### OFFICIAL PLAN.

A plan or map adopted by the Village Board that defines or describes in sufficient detail the site location of proposed public facilities so that their boundaries can be clearly determined and located.

#### PLAT.

A map of a subdivision completed with all certificates and engineering data per Chapter 236, Wis. Stats.

#### STREET.

A way for vehicular traffic.

Major streets and highways are those which are used primarily for fast or heavy traffic.

Collector streets are those that carry traffic from minor streets to the systems of major streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

Minor streets are those that are used primarily for access to the abutting properties (local access).

Frontage streets are minor streets that are parallel to and adjacent to major streets and highways and provide access to abutting properties and protection from through traffic.

#### SUBDIVISION.

A division of a lot, parcel or tract of land by the owner thereof, or his agent, for the purpose of sale or of building development, where:

The act of division creates 5 or more parcels or building sites of 4 acres or less in area; or

Five or more parcels or building sites of 4 acres or less in area are created by successive divisions within a period of 5 years.

### 1.84 PROCEDURE.

#### CERTIFIED SURVEY MAPS.

A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions and any other division of land not otherwise expressly exempted under § 7.05(3) of this Ordinance. Such a certified survey map shall comply in all respects with the requirements of Wis. Stats. § 236.34. The minor land division shall comply with the design standards and improvement requirements set forth in this Chapter. Certified survey maps shall be submitted to the Plan Commission and reviewed in the manner set forth for preliminary plats under § 7.07(2).

#### PRELIMINARY PLATS.

Before submitting a preliminary plat for approval, the subdivider may submit a preliminary layout to the Plan Commission in order that general agreement may be reached on layout and arrangements of streets and lots before a preliminary plat is prepared.

No preliminary plat shall be recommended for approval by the Plan Commission until the same has been submitted to all other approving authorities by the subdivider as required by Chapter 236, Wis. Stats., and their approval obtained for such preliminary plat. The Plan Commission may refer any preliminary plat to the Village Engineer for examination, and in such cases, the Plan Commission shall not be recommended for approval such preliminary plat until the Village Engineer has examined such plat and

filed a written report with the Plan Commission concerning such proposed plat. The subdivider shall be required to furnish all technical data and other information required by approving authorities under the provisions of Chapter 236, Wis. Stats., and as required by the Village Engineer in accordance with this chapter at the subdivider's own cost and expense.

The subdivider shall furnish satisfactory proof to the Plan Commission of the approval of said proposed subdivision by the Wisconsin Department of Transportation if the proposed subdivision or any lot contained therein abuts on a state trunk highway or connecting street.

Following preliminary consultation the plat, and such copies as may be required, shall be filed with the Village Clerk who shall forthwith forward the necessary copies thereof to the Southeastern Wisconsin Regional Planning Commission and where necessary to the Waukesha County Park and Planning Commission, as required by sec. 236.12, Wis. Stats., retain one copy in the official file, and return two copies to the Plan Commission. The Plan Commission shall refer the preliminary plat to the Village Board of Trustees, together with its recommendation regarding approval or objection.

The Village Board of Trustees shall within 90 days of the filing, approve, conditionally approve, or reject the plat unless an agreement has been reached with the subdivider extending the time for consideration. Pursuant to sec. 236.11, Wis. Stats., failure of the Board of Trustees to act on a preliminary plat. The subdivider shall be notified in writing of any conditions of approval shall be granted until it has been certified that there is no objection to the plat by any agency authorized to object.

Approval of the preliminary plat shall entitle the subdivider to final approval of the layout shown by such plat if the final plat conforms substantially to such layout and conditions of approval have been met.

Prior to approval of the preliminary plat, the subdivider shall procure and file with the Plan Commission a letter from the Superintendent of the controlling school district certifying that there are (or will be prior to final approval) adequate school facilities to accommodate the increased population that will be created by the proposed subdivision.

Dependent upon the size and possible contiguity to other developments, taken separately or as a whole, the Plan Commission shall have the right to request adequate provision of either privately owned and maintained non lake frontage recreational areas for the residents of said subdivision; or in the alternate the right to request non lake frontage, dedication of not to exceed 5% of the area involved for such further purpose under the sponsorship and control of the Village, and open to the Village as a public facility for the Village residents, location and planning thereof to be at the direction of the Village.

#### ENGINEERING DATA.

Following approval of the preliminary plat, and prior to submittal of a final plat the subdivider shall furnish to the Village Plan Commission the following engineering data pertaining to utilities and improvements in the plat as a pertinent and as requested by the Plan Commission:

Plan and profiles showing existing and proposed grades for all streets, alleys, public right-of-ways, and proposed buildings.

Plan and profiles of all storm and sanitary sewers, culverts and surface water drainage facilities.

#### FINAL PLAT.

A final plat and such copies thereof as shall be required shall be submitted within 6 months of the approval of the preliminary plat by the Village Board of Trustees. The Village Board of Trustees may waive failure to comply with this requirement.

The Village Plan Commission shall refer the final plat with its recommendation to the Village Board within 60 days of this submission unless the time is extended by the Board. The Board shall approve or reject the final plat within 60 days of its submission to the Plan Commission, unless the time is extended by agreement with the subdivider. Reasons for rejection shall be stated in the minutes of the Village Board meeting and a copy of such minutes or a written statement of such reasons shall be supplied the subdivider.

If the original of the final plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Village Board will be inscribed on the original of the final plat, the surveyor or the subdivider shall certify the respects in which the original final plat differs from the true copy. All modifications must first be approved.

#### 1.85 GENERAL REQUIREMENTS AND DESIGN STANDARDS.

##### GENEAL.

The proposed land division shall conform to:

The provisions of chapter 236, Wis. Stats.

All applicable ordinances of the Village.

Design and construction standards as established by Village Ordinance.

The master plan, if any exists.

The official map, if any exists.

##### STREETS.

Design Criteria. The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed users of the land to be served by such streets.

Construction Standards. Construction of all streets shall conform to the current standards as established by the Village, with the minimum construction standards in all cases being at least equal to those required by Wisconsin Statutes for Village streets or Village roads.

The arrangement, width, grade, and location of all streets shall conform to the official map, if any exists.

Arrangement.

Major streets shall be properly integrated with the existing and proposed system of major streets and highways.

Collector streets shall be properly related to mass transit routes, to special traffic generating from facilities such as schools, churches, and shopping centers, to population densities, and to the major streets into which they feed.

Minor streets shall be laid out to conform as much as possible to topography, to discourage use by traffic, to permit efficient drainage and sewer systems, to require the minimum amount of street necessary to provide convenient, safe access to property.

Controlled Access. Where a subdivision borders on or contains an existing or proposed major street, the Plan Commission may require that marginal access streets be provided, that the backs of lots abut the major streets and be provided with screen planting contained in a non-access reservation along the real property line, that deep lots with rear service alleys be provided or that other provisions be made for the adequate protection of residential properties and the separation of through and local traffic.

Width. The right-of-way of all streets shall be of the width specified on the official map or master plan, or, if no width is specified there, they shall be not less than the width specified below:

Major streets – 100 feet.

Collector streets – 60 feet.

Local access streets – 60 feet.

Frontage streets – 60 feet.

At the election of the Plan Commission, the above widths may be reduced under certain conditions such as unusual terrain or topography or location, or other compelling circumstances of hardship (not financial or practical difficulty) but in no case to be reduced to less than 3 rods in width.

Grades. The grade of major and collector streets shall not exceed 6% and the grade of all other streets shall not exceed 10% unless necessitated by exceptional topography and approved by the Plan Commission. The minimum grade for all streets shall be less than ½ % and such minimum shall not be permitted for long sustained distances.

Horizontal Curves. A minimum sight distance with clear visibility measure along the centerline shall be provided of at least 300 feet on major streets, 200 feet for collector streets and 100 feet on minor streets.

Vertical Curves. All changes in street grades shall be connected by vertical curves of a minimum length equivalent to 15 times the algebraic difference in the rate of grades for major streets and collector streets and ½ of this minimum length for all other streets.

Tangents. A Tangent at least 100 feet long shall be introduced between reverse curves on major and collector streets.

Street Names. New Street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the name of the existing street.

Cul-de-sac or Dead End Streets. Streets designed to have one end permanently closed shall not normally exceed 500 feet in length and shall terminate with a turnaround of not less than 120 feet in diameter of right-of-way and a roadway of not less than 100 feet in diameter.



Reserve Strips. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Village under conditions approved by the Plan Commission.

Existing Half-Streets. Where a half-street exists adjacent to the subdivision, the other half of the street shall be dedicated by the subdivider. Platting of new half-streets along property lines shall not be permitted except by approval of the Plan Commission.

#### INTERSECTIONS.

Right Angle. Streets shall intersect as nearly as possible at right angles and not more than two streets shall intersect at one point unless approved by the Plan Commission.

Rounded. Property lines at street intersections shall be rounded with a radius of 15 feet or of a greater radius where the Plan Commission considers it necessary.

Jogs. Street jogs with center line offsets of less than 125 feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.

#### PARKING AND SERVICE AREAS.

In all commercial and institutional districts, provision shall be made for service access, such as off-street loading and parking, consistent with the adequate for the uses proposed.

#### ALLEYS.

Residential. Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.

Width. The width of alleys shall be not less than 20 feet.

Dead End. Dead end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Where dead end alleys are unavoidable, they shall be provided with adequate turn-around facilities at the dead end.

#### EASEMENTS.

Utility. Easement across lots or centered on rear or side lot lines shall be provided for utilities where required by the Plan Commission and shall be at least 20 feet wide.

Drainage. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and such further width or construction, or both as will be adequate for the purpose. Wherever possible it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

#### BLOCKS.

Shape and Size. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated.

Crosswalks. Pedestrian crosswalks not less than 15 feet wide may be required by the Plan Commission where deemed desirable to provide convenient pedestrian circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

## LOTS.

General. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

Lot Dimensions.

Lot minimums shall be one acre in area and 100 feet in width, and in the event of odd shaped lots, average may be used for arriving at said minimum widths, provided that minimum frontage of such lots shall not be less than 75 feet; these minimums shall not control in lands wholly located within 500 feet of Lac La Belle shore line, wherein the presently existing zoning standard shall apply.

Residential lots shall be connected to the Village sanitary sewer system prior to the granting of any occupancy permit.

Depth and width of properties reserved or laid out for commercial or institutional purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

Residential lots abutting on major streets and highways shall be platted with sufficient depth to permit adequate separation between the building and such traffic ways.

Lots should be designed with a suitable proportion between width and depth. Neither long narrow nor wide shallow lots are normally desirable. Normal depth should not exceed 2 ½ times the width, nor be less than 150 feet.

Corner Lots. Corner lots shall be designed to permit full setback on both streets as required by the applicable zoning district requirements.

Access to Public Streets. Every lot shall front or abut on a public street. Lots with an access only to private drives or streets shall be permitted only with Plan Commission approval upon demonstration that adequate emergency access will be available to such lot.

Lots at Right Angles. Lots at right angles to each other should be avoided wherever possible, especially in residential areas.

Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.

Large Lots. Where lots are created of a size larger than normal for the area, the Plan Commission may require that the plat be so designed as to allow for the possible future re-division of such lots into normal sized compatible with the area.

Municipal Boundaries. Lots shall follow municipal boundary lines whenever practicable, rather than cross them.

Double Frontage. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

## 1.86 REQUIRED IMPROVEMENTS.

### MONUMENTS.

The subdivision shall be monumented as required by sec. 236.15, Wis. Stats., which is hereby adopted by reference.

### REQUIRED INSTALLATIONS.

Before a certified survey map or the final plat of a subdivision located within the Village of Lac La Belle will be approved, the subdivider shall provide and dedicate the following facilities and improvements, all of which facilities and improvements must be made within the time required by the Village Board, but in no event to exceed 2 years;

**Streets.** Streets graded and surfaced according to established standards of the Village.

**Drainage.** Drainage channels, culvert and such other facilities necessary to provide adequately for surface water drainage according to established standards of the Village.

**Street Signs.** Street signs shall be provided at all intersections.

### FINANCIAL GUARANTEE.

In the event the aforesaid facilities and improvement have not been fully installed at the time the plat is submitted for final approval the subdivider shall file with the Village Clerk a letter of credit or other satisfactory financial guarantee approved by the Village Attorney to cover the cost of completing said facilities and improvements, in such amount as the Village Board shall determine to be adequate, which letter shall be executed by the subdivider as principal and a responsible financial institution duly licensed and authorized to do business in the State of Wisconsin, the same to be payable to the Village of Lac La Belle, Wisconsin, and to be conditioned upon the faithful performance and payment of any and all work to be performed by the subdivider pursuant to this Chapter in accordance with the development agreement entered into by the parties.

**ENGINEER'S APPROVAL.** The adequacy of such facilities and improvements and their proper installation shall be subject to approval of the Village Board or their agent such as the Village Engineer.

**PHASED DEVELOPMENT.** In all instances where it shall appear to the satisfaction of the Village Board that the whole or a platted subdivision cannot immediately be fully improved with respect to the installation of the required improvements, by reason of unavoidable delay in obtaining necessary engineering data and information, or for other good reason or cause, the Village Board may, in its sole discretion authorize the subdivider to proceed with the installation of improvements required under this Chapter on a portion or part of said subdivision and in such event, the requirements of this Chapter shall apply to that portion or part thereof, authorized for immediate improvement.

## 1.87 PLATS AND DATA.

### PRELIMINARY CONSULTATION DATA.

The following information shall be provided at the time of the preliminary consultation:

**General.** Information including data on existing covenants, land characteristics and available community facilities and utilities, and information describing the subdivision proposal such as number or residential

lots, typical lot width and depth, business areas, playgrounds, park and other public areas, tree planting, proposed protective covenants, and proposed utilities and street improvements.

**Location Map.** A location map showing the relationship of the proposed subdivision to existing community facilities which serve or would be influenced by it, and including the development name and location; main traffic arteries; title, scale, north arrow, and date.

**Proposed Layout.** A sketch plan showing in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be free hand made directly on a print of topographical survey.

#### PRELIMINARY PLAT.

The preliminary plat shall be drawn with waterproof non-fading black ink or legibly drawn with pencil on tracing cloth, or tracing paper of good quality to a scale of 200 feet to an inch and shall show correctly on its face:

The date, scale, and north point.

The proposed subdivision name, which shall not duplicate the name of any plat previously recorded in Waukesha County.

The name and address of the owner, the subdivider and the engineer or surveyor preparing the plat.

Location of the subdivision by government lot, quarter-quarter section, section, township, range and county.

A small scale drawing of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon.

The exact length and bearing of the exterior boundaries of the subdivision.

Location and names of adjacent subdivisions and the owners of adjoining parcels of land that has not been subdivided.

Zoning on the adjacent to the subdivision.

Location, widths and names of all existing and platted streets, alleys or other public ways and easements, railroad and utility right-of-ways, parks, cemeteries water course, drainage ditches, permanent building, bridges, and other pertinent data as determined by the Plan Commission.

The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lake and streams.

If the subdivision borders a lake or stream, the distances and bearings of a meander line established not less than 20 feet back from the ordinary high water mark of the lake or stream.

Layout, width, and approximate grades of all new street and right-of-ways, such as alleys, highways, easements for drainage and other public utilities.

Approximate dimensions of and areas of lots.

Proposed building lines.

Approximate radii of all curves and length of tangents.

Approximate location and area of property proposed to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation.

Contours at two-foot vertical contour intervals, or at more frequent intervals if required by the Plan Commission for land of unused terrain characteristics. All pertinent elevations should be shown and shall be based on local datum.

FINAL PLAT.

Compliance with Sec. 236.20 Wis., Stats. A final plat of subdivided land shall comply with the requirements of sec. 236.20, Wis. Stats., which is hereby adopted by reference.

Legibility of Affidavits. The affidavits and certificates required by Chapter 236, Wis. Stats., shall be lettered or printed legibly with black durable ink or typed with black ribbon on the final plat.

Duplicate Tracing. A duplicate tracing of the final plat shall be filed with the Plan Commission.

## 1.88 LAND DIVISIONS OTHER THAN SUBDIVISIONS.

### COMPLIANCE REQUIRED.

No existing land shall be divided, re-divided, or split in any fashion without compliance with the section.

### PRELIMINARY PLAT.

Before submitting a final plat for approval the subdivider shall submit a preliminary plat according to the procedure designated for a subdivision under section 7.07(2) above except that no state or county agency actions are required.

### FINAL PLAT.

The final plat in the form of a certified survey map shall be submitted according to the procedure designated for a subdivision under sec. 7.07(4) above except that no state or county agency actions are required.

### REQUIREMENTS.

Reasonable Compliance. To the extent reasonably practicable the plat shall comply with the provision of this Chapter hereinbefore stated relating to general requirements and design standards and required improvements.

Registered Surveyor. The survey shall be performed and the map prepared by a registered surveyor. Such map shall describe the entire ownership involved in the process of division, provided however that where the division results in a residual parcel in excess of 10 acres, not intended for immediate sale or other conveyance, the Plan Commission may waive the requirement for inclusion of the residential parcel.

Monuments. All corners shall be monumented in accordance with section 236.15(1)(c) and (d), Wis.

Engineering Standards. The final plat shall be prepared in accordance with sec. 236.20(2)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) and (l), Wis. Stats., on durable white paper 8 ½ inches by 14 inches long. All lines shall be made with non-fading black ink to a scale of 200 feet to an inch.

Percolation Tests. If any lots in the plat are not to be served by municipal sanitary sewer, percolation tests shall be submitted according to the procedure designed under the rules of the State of Wisconsin applicable to subdivisions.

#### CERTIFICATES AND AFFIDAVITS.

Owner's and Surveyor's. The map shall include the certificate of ownership and the affidavit of the surveyor who surveyed and mapped the parcel, typed, lettered or reproduced legibly with non-fading black ink, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. Public Land Survey or some corner providing reference to a corner marked and established in the Public Land Survey System of the United States. Such affidavit shall include the statement of the surveyor to the effect that he has fully complied with the requirement of this section.

Village Board of Trustees. The certificate of approval of the Village Board of Trustees shall be typed, lettered, or reproduced legibly with non-fading black ink on the face of the map.

#### RECORDING.

Within thirty (30) days after final approval by the Village Board of Trustees of the Final Plat or Certified Survey Map, it shall be filed by the subdivider for recording with the Register of Deeds for Waukesha County and with the Village Clerk.

### 1.89 SUBDIVISIONS CREATED BY SUCCESSIVE DIVISIONS.

#### ASSESSOR'S PLAT.

Where it is not practicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this Chapter, the Village Board may in lieu thereof order an assessor's plat to be made under sec. 70.27, Wis. Stats. and may assess the cost thereof as provided in such section, or to the subdivider.

#### REASONABLE COMPLIANCE.

Regardless of the type of plan filed, any such subdivision shall comply with all provisions of this Ordinance to the extent that they may reasonably be applied.

### 1.90 VARIANCES.

Any person aggrieved, or any officer, department, or board of the Village affected by a decision of an administrative officer may appeal such decision to the Village Board of Appeals under Section 8.19 of the Village Code of Ordinances provided such appeal be taken within thirty (30) days of the decision appealed from.

### 1.91 APPLICABLE FEES.

#### GENERAL.

To provide for adequate investigation by the Village of Lac La Belle of proposed division and subdivision of land within the Village, and to promote the public interests enumerated within forth in sec. 7.01 of this Chapter and those set forth in Wis. Stats. sec. 236.01 as amended from time-to-time, the applicant

shall, at the times specified, pay the Village Clerk all fees hereinafter specified before being entitled to receive approval of a Plat, Replat, or Certified Survey Map submitted to the Village. The Village Board and the Plan Commission have full authority to establish and collect the fees hereinafter specified within this section.

#### PRELIMINARY PLAT REVIEW FEE.

First Application. The applicant shall pay an initial fee of \$500.00; plus \$15.00 for each lot, dwelling unit, or parcel within the preliminary plat, replat, or certified survey map; to the Village Clerk at the time of first application for approval of any preliminary plats or certified survey maps to assist in defraying the cost of review.

Reapplication. A reapplication fee amounting to \$100.00 shall be paid to the Village Clerk at the time of the reapplication for approval of any preliminary plat that has previously been reviewed. However, in the event that material alterations have been made to the proposed plat, replat or certified survey map since the original application, or if six (6) months have passed since the original filing of the application, the fees within paragraph (a) of this subsection shall apply.

#### FINAL PLAT REVIEW FEE.

First Application. The applicant shall pay an initial fee of \$500.00 plus \$15.00 for each lot, dwelling unit, or parcel within the final plat to the Village Clerk at the time of first application for final plat approval of said plat to assist in defraying the cost of review.

Reapplication. A reapplication fee of \$60.00 shall be paid to the Village Clerk at the time of a reapplication for approval of any final plat that has previously been reviewed. However, in the event that material alterations have been made to the proposed plat, replat, or certified survey map since the original application, or if six (6) months have passed since the original filing of the application, the fees within paragraph (a) of this subsection shall apply.

#### IMPROVEMENT REVIEW FEE.

At the time of the submission of improvement plans and specifications, the applicant shall pay to the Village Clerk a fee equal to two (2) percent of the cost of the required public improvements as estimated by the Village Engineer to partially cover the cost to the Village of checking and reviewing such plans and specifications. Following completion of the improvement construction, on request from the Village Board, the Village Engineer, or the applicant, this fee may be recomputed in accordance with the actual cost of such improvements. The final amount of the applicant's improvement Review Fee shall then be re-calculated. The applicant shall be responsible for any amount in excess of the Initial amount paid in. Any amount paid by the applicant in excess of two (2) percent of the actual amount of the cost of the public improvements shall be remitted to the applicant by the office of the Village Clerk. Evidence of cost shall be in such detail and form as required by the Village Engineer subject to the approval of the Village Board of Trustees.

#### ADMINISTRATIVE FEES.

In General. In addition to the initial fees set forth in this section, upon review of any proposed preliminary plat, final plat, replat, or certified survey map, the Village Board, or Plan Commission may determine that, in order to adequately protect the interests set forth in subsection (1) of this section, professional assistance will be required to provide adequate assessment. Said professional assistance may include, but is not limited to, the services of engineers, planners, architects, attorneys or other

related professional experts. The actual expense of said professional assistance shall be paid by the applicant. The Village shall retain the right to select the source of the professional service to be provided.

Administrative and Legal Expenses. The applicant shall pay a fee equal to the cost of any legal, planning, administrative or fiscal work which may be undertaken, by the Village in connection with the plat, replat, or certified survey map. Legal expenses may include, but are not limited to, expenses incurred by the Village due to services provided by the Village Attorneys (during or outside of Village Board or Plan Commission meetings) on behalf of the Village in connection with the application.

Time and amount of payment.

Upon determination by the Village Board or Plan Commission that expenses enumerated in sec. 7.12(5) (a) and/or (b) will be incurred by the Village, an initial estimate of said costs shall be provided to the applicant by the Village Clerk. An amount equal to this initial estimate shall then be deposited with the Village Clerk prior to any action being taken by the Village in connection with the application. The Village shall then apply the amount deposited towards the actual expenses connected with the application as they are incurred. Notwithstanding any contrary provisions contained within this Chapter, in the event that the requested monies are not received within ten (10) days, the Village Clerk shall inform the applicant in writing that the application has been rejected for failure to comply with this ordinance.

If the Village Board or Plan Commission determines that costs in excess of the initial amount deposited by the applicant will be incurred, additional funds shall be requested from the applicant by the Village Clerk to cover the additional expenses. Said additional fees shall be paid by the applicant within ten (10) days of notification by the Village Board or Plan Commission. Notwithstanding any contrary provisions contained within this Chapter, in the event that the requested monies are not received within ten (10) days, the Village Clerk shall inform the applicant in writing that the application has been rejected for failure to comply with this ordinance.

#### COST OF APPLICATION.

Following completion of the review by the Village, the actual costs of the application shall be determined and the difference, if any shall be paid in full to the Village Clerk by the applicant within ten (10) days of notification by the Clerk. Any payment by the applicant in excess of the actual costs incurred in the review shall be remitted to the applicant. Upon request of the applicant, the Village Clerk shall provide copies of invoices reflecting the actual costs incurred by the Village. Payment equal to the actual costs for review of the application shall be received before final action is taken by the Village as to the application. Notwithstanding any contrary provisions contained within this Chapter, in the event that the requested monies are not received within ten (10) days, the Village Clerk shall inform the applicant in writing that the application has been rejected for failure to comply with this ordinance.

#### ENGINEERING AND INSPECTION FEES.

General. In addition to all other fees enumerated in this section, the applicant shall pay a fee equal to the actual cost to the Village for all engineering and inspection work incurred by the village in connection with a plat, replat, or certified survey map.

The term "engineering work" shall include the preparation of construction plans and standard specifications. The Village Engineer may permit the applicant to furnish all, some or part of the required



construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.

The term “inspection work” shall include the inspection, checking and reviewing of work the Village Engineer deems necessary to assure that the construction of work the Village Engineer deems necessary to assure that the construction of the required improvements complies with the plans, specifications, and ordinances of the Village or any other governmental authority.

Time and amount of payment.

Upon determination by the Village Board or Plan Commission that expenses specified in sec. 7.12(6) will be incurred by the Village, an initial estimate of said costs shall be provided to the applicant by the Village Clerk. An amount equal to this initial estimate shall then be deposited with the Village Clerk prior to any action being taken by the Village in connection with the application. The Village shall then apply the amount deposited towards the actual expenses connected with the application as they are incurred. Notwithstanding any contrary provisions contained within this Chapter, in the event that the requested monies are not received within ten (10) days, the Village Clerk shall inform the applicant in writing that the application has been rejected for failure to comply with the ordinance.

If the Village Board or Plan Commission determines that costs in excess of the initial amount deposited by the applicant will be incurred, additional funds shall be requested from the applicant by the Village Clerk to cover the additional expenses. Said additional fees shall be paid by the applicant within ten (10) days of notification by the Village Board or Plan Commission. Notwithstanding any contrary provisions contained within this Chapter, in the event that the requested monies are not received within ten (10) days, the Village Clerk shall inform the applicant in writing that the application has been rejected for failure to comply with this ordinance.

Following completion of the engineering work by the Village, the actual cost of the work shall be determined and the difference, if any, shall be paid in full to the Village Clerk by the applicant within ten (10) days of notification by the Clerk. Any payment by the applicant in excess of the actual costs incurred in the review shall be remitted to the applicant. Upon request of the applicant, the Village Clerk shall provide copies of invoices reflecting the actual costs incurred by the Village. Notwithstanding any contrary provisions contained within this Chapter, in the event that the requested monies are not received within ten (10) days, the Village Clerk shall inform the applicant in writing that the application has been rejected for failure to comply with this ordinance.

### 1.92 VIOLATIONS.

It shall be unlawful to build upon, divide, convey, record, or place monuments on any land in violation of this Chapter or the State statutes; and no person shall be issued a building permit by the Village authorizing the building on, or improvement of, any subdivision, minor land division, or replat within the jurisdiction of the Chapter not of record and approved by the Village Board of Trustees as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable statutes.

### 1.93 7.16 – 7.19 RESERVED.

### 1.94 PENALTY.

Any person who shall violate any provision of this Chapter shall be subject to penalties as provided in sec. 15.04 of this Municipal Code. In addition, an assessor's plat made under Wis. Stats. § 70.27 may be ordered as a remedy by the Village, at the expense of the subdivider, when a subdivision as defined is created by successive divisions. Violations and concomitant penalties under this Chapter shall also include, but are not limited to:

Recordation improperly made carries penalties as provided in Wis. Stats. § 236.30.

Conveyance of lots in unrecorded plats carries penalties as provided for in Wis. Stats. § 236.31.

Monuments disturbed or not placed carries penalties as provided for in Wis. Stats § 236.32.

### 1.95 VILLAGE MASTER PLAN.

[Adopted 6/11/1979, and amended from time to time]

The general provisions of this section of Chapter 8 of the Municipal Code of the Village of Lac La Belle, Waukesha County, Wisconsin shall be held to be planning guidelines adopted for the scheduling of future actions geared for the promotion of the health, safety, morals, comfort, prosperity and general welfare of the Village. The Master Plan may be adopted, amended, added to, or updated pursuant to the procedures set forth in § 62.23 (3), Wis. Stats., as amended from time to time.

### 1.96 INTERPRETATION AND PURPOSES.

The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village of Lac La Belle, Waukesha County, Wisconsin.

It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants or agreements between parties or with any rules, regulations-or permits previously adopted or issued pursuant to laws: provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this chapter shall govern.

### 1.97 DEFINITIONS.

#### GENERAL INTERPRETATION.

When not inconsistent with the context, words used herein in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; and reference to any officer such as "Clerk", "Building Inspector", "Plumbing Inspector", "Engineer", or "Attorney" means that officer appointed or otherwise officially designated by the Village in such capacity.

#### DEFINED TERMS.

Unless specifically defined below or otherwise provided for in this Chapter, words and phrases used in this Chapter shall have the same meaning as they have at common law and to give this Chapter it's most reasonable application. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is

mandatory and not discretionary:

#### A ZONES.

Those areas shown on the "Official Floodplain Zoning Map" (see below) which would be inundated by the "regional flood" as defined below. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

#### AH ZONE.

See AREA OF SHALLOW FLOODING.

#### AO ZONE.

See AREA OF SHALLOW FLOODING.

#### ACCESSORY BUILDING.

A building or a portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. When an accessory building is a part of the main building or is substantially attached thereto, the side yard and rear yard requirements of the main building shall be applied to the Accessory Building. ALTERATION - An enhancement, upgrading or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a Structure.

#### ALTERNATIVE ENERGY SYSTEM.

Means any energy system, including but not limited to wind energy systems and solar energy systems, that collects, converts, distributes, or otherwise makes use of non-fossil fuels for power or energy purposes.

#### AREA OF SHALLOW FLOODING.

A designated AO, AH, AR/AO, AR/AH, or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

#### BASE FLOOD.

Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

#### BASEMENT.

Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.

#### BOARD OF APPEALS.

The Village of Lac La Belle Board of Appeals established pursuant to Wis. Stat. sec. 62.23(7).

#### BOATHOUSE.

A structure used for the storage of watercraft and associated materials which has one or more walls or sides.

#### BUILDING.

Any structure used, designed or intended for the protection, shelter, enclosure or support of persons,

animals, or property. However, "building" shall not include driveways or flush patios (i.e. patios that do not exceed the elevation of the abutting ground at one point and are level) so long as said driveways and flush patios do not come within thirty feet of the ordinary high water mark of the lake

#### BUILDING, HEIGHT OF.

The vertical distance from the average ground level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip, or pitch roof.

#### BUILDING LINE.

See SETBACK.

#### BULKHEAD LINE.

A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Wis. Stat. S30.11, and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this ordinance.

#### CAMPGROUND.

Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

#### CAMPING UNIT.

Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

#### CERTIFICATE OF COMPLIANCE.

A certification issued by the Zoning administrator stating that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

#### CHANNEL.

A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

#### CRAWLWAYS OR CRAWL, SPACE.

An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.

#### DEBRIS AND REFUSE.

Includes but is not limited to garbage outside of required containers, broken concrete, bricks, blocks or other mineral matter, bottles, porcelain and other glass or crockery; boxes; lumber (new or used), posts, logs, sticks, or other wood, tree branches, brush, yard trimmings, grass clippings and other residues; paper, rags, cardboard, excelsior, rubber, plastic wire, tin and metal items; discarded household goods or appliances, junk lawnmowers, motor vehicle parts, machine parts, boards, gypsum board, cut brush and branches, tar paper, residues from burning or any similar materials that constitute health, fire, or safety hazards or a serious blighting influence upon the neighborhood or the Village in general.

#### DECK.

An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

#### DEPARTMENT.

The Wisconsin Department of Natural Resources.

#### DEVELOPMENT.

Means any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities.

#### DRIVEWAY.

A manmade paved or hard-surfaced road not exceeding an average width of 18 feet designed for vehicular ingress and egress between the property's house and/or garage and a public road.

#### DRY LAND ACCESS.

Means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

#### DWELLING, ONE FAMILY.

A detached building designed for or occupied exclusively by one family.

#### DWELLING, TWO-FAMILY.

A detached or semi-detached building designed for and occupied exclusively by two families.

#### DWELLING, MULTIPLE.

A building or portion thereof designed for and occupied by more than two families, including tenement houses, row houses, apartment houses and apartment hotels.

#### ENCROACHMENT.

Any fill, structure, use or development in the floodway.

#### EXISTING MANUFACTURED OR MOBILE HOME PARK OR SUBDIVISION.

A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale on which the construction of facilities for servicing the lots, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets, is completed before the effective date of this ordinance.

#### EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK.

Means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be placed. This includes installation of utilities, either final site grading, pouring pads, or construction of street S,

#### EXTERIOR PROPERTY.

Means the open space on the premises and on the adjoining property under control of owners, occupants or operators of such premises.

#### FACADE.

Means any exterior wall that faces a public street or streets.

#### FAMILY.

One person or two or more persons each related to the other by blood, marriage, or legal adoption, or a group of not more than three persons not all so related, together with his or their domestic servants, maintaining a common household in a dwelling unit. A family may include, in addition thereto, not more than two roomers, boarders, or permanent guests, whether or not gratuitous.

#### FARM.

A tract of land of 10 acres or more used for agricultural purposes.

#### FEDERAL EMERGENCY MANAGEMENT AGENCY OR FEMA.

The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA), or Department of Housing and Urban Development (HUD).

#### FENCE.

A structure of rails, planks, stakes, wire, wrought iron, or similar material erected as an enclosure, barrier, boundary, or intended to decorate, accent or frame a feature of the landscape. "Fence" does not include shrubs, hedges or other living vegetation, nor does it include stone, block, brick or other masonry walls (such stone, block, brick or other masonry walls fall within the definition of "Building" per sec. 8.03(12) of the Code of Ordinances).

#### FLOOD OR FLOODING.

Means a general and temporary condition of partial or complete inundation of normally dry land areas caused by:

The overflow or rise of inland Waters; and

The rapid accumulation or runoff of surface waters from any source; and

The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; and

The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

#### FLOOD FREQUENCY.

The probability of a flood occurrence, which is generally determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

#### FLOODFRINGE.

That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and generally associated with standing water rather than flowing water.

#### FLOOD HAZARD BOUNDARY MAP.

A map prepared by FEMA designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. Said

map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program.

#### FLOOD INSURANCE STUDY.

A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and regional flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

#### FLOOD INSURANCE RATE MAP (FIRM).

A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium Zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

#### FLOODPLAIN.

That land that has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.

#### FLOODPLAIN ISLAND.

A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

#### FLOODPLAIN MANAGEMENT.

Means the full range of public policy and action for insuring wise use of floodplains. It includes everything from the collection and dissemination of flood data to the acquisition of floodplain lands and the enactment and administration of codes, ordinances and statutes for land use in the floodplain.

#### FLOOD PROFILE.

A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

#### FLOOD PROOFING.

Means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

#### FLOOD PROTECTION ELEVATION.

An elevation two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

#### FLOOD STORAGE.

Means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

#### FLOODWAY.

The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

#### FREEBOARD.

Means a flood protection elevation requirement designed as a safety factor that is usually expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than those calculated. These factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggregation of the river or stream bed.

#### FRONTAGE.

All the property abutting on one side of a street between 2 intersecting streets or all of the property abutting on one side of the street between an intersecting street and the dead end of a street. Frontage calculations shall be determined by calculating the smallest dimension of a lot abutting a public street measured along the street line and, with regard to frontage on Lac La Belle Lake, by measuring the bulkhead line for such property.

#### GARAGE, PRIVATE.

A private garage, is one where private vehicles are kept for storage purposes only and wherein such use is accessory to the residential use of the property on which it is stored.

#### GARAGE, PUBLIC.

Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.

#### GARAGE, STORAGE.

Any building or premises used for storage only of motor-driven vehicles, pursuant to previous arrangement and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No storage motor vehicle exceeding 1 tons capacity shall be stored in any storage garage.

#### GO CART.

A motorized miniature vehicle capable of achieving Speeds in excess of ten miles per hour and commonly used on courses or racetracks for racing or recreation.

#### HABITABLE BUILDINGS.

Means any building, or portion thereof used or designed for human habitation.

#### HEARING NOTICE.

Means publication or posting meeting the requirements of Ch. 985, Stats. Class 1 notice is the minimum required for appeals: Published once at least one week (7 days) before the hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments: published twice, once each week consecutively, the last at least a week (7 days) before the hearing.

#### HEIGHT.

Buildings hereafter erected or structurally altered shall not exceed thirty-five (35) feet in height.

#### HIGH FLOOD DAMAGE POTENTIAL.

Means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.



#### HIGHEST ADJACENT GRADE.

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

#### HISTORIC STRUCTURE.

(Federal rule Oct. 1990) any structure that is:

Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or directly by the Secretary of the Interior in states without approved programs."

#### HOME OCCUPATION.

A gainful occupation conducted only by members of the family, within their place of residence in a manner that is incidental to the residential occupation of the building, and further restricted to only activities that are conducted by telephone only (including computer modem) and that generate or attract no additional (i.e. non-residential) traffic (including delivery vehicles of any kind). A gainful occupation that does not comply with all the conditions of the previous sentence, but that was actively conducted within a residence as of June 1, 1993, may be continued (but not expanded) if it is granted, a conditional use permit pursuant to section 8.19. A gainful occupation actively conducted in the Village as of June 1, 1993, within a residence, and in a manner that does not qualify as a "Home Occupation" pursuant to this Section shall be granted a conditional use permit pursuant to this Section and 8.19 and subject to the following conditions:

The application for the conditional use permit was filed with the Village Clerk on or before October 1, 1993;

If the conditional use permit is granted, the use may be continued subject to the conditions specified in the permit until such time as the party conducting the use ceases to occupy the premises or until the use is discontinued for a period of twelve (12) consecutive months (whichever occurs first);

The activity must be conducted solely by members of the family occupying the residence except that one person other than members of the family occupying the residence may also be employed and one additional person may be employed for no more than six months to replace a member of the family who is not then so employed in the residence because of a temporary condition (such as illness) after receiving an amendment to the conditional use permit (one additional six month period of this amendment will be granted for illness only);

No mechanical equipment may be used for the activity other than such used for purely domestic purposes;

No sign other than one unlighted nameplate, not more than one foot square may be displayed;

No more than Twenty five (25) percent of the floor area of only one floor of a dwelling unit may be occupied by the activity;

The activity may not emit beyond the boundaries of the premises any noise or sound of character that is disruptive to the residential nature of the community;

The activity may not emit beyond the boundaries of the premises any odor, gas or chemical of a character or concentration that is obnoxious, harmful to human, plant, or animal life or is offensive, noisome, nauseating, obnoxious, or disagreeable;

The activity may not generate vehicular traffic of such a volume or character that would be inconsistent with the residential nature of the community (more than two stops per day at the premises by commercial delivery vehicles shall be presumed to violate this restriction);

The activity may not generate or attract vehicles that are not parked wholly on the premises when making pickups or deliveries or doing business on the premises;

The activity may not attract more than five (5) people per day to the premises who do not live there except during gun deer hunting season and one week beyond;

The activity may not involve the use of or storage of a hazardous substance (as that phrase is defined in 42 U.S.C. Section 9601 (14) or 40 C.F.R. Section 302, both as amended from time to time);

The activity may not involve the service of food or beverage on the premises.

#### HOTEL.

A commercial building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.

#### INCREASE IN REGIONAL FLOOD HEIGHT.

Means a calculated upward rise in the regional flood elevation, equal to or greater than 0.00 foot, resulting by a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

#### LAND USE.

Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

#### LODGING HOUSE.

A building other than a hotel where room and/or board is provided for compensation for not more than 3 persons not members of the family. This excludes tourists and transients.

#### LOT.

A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory buildings, together with the open spaces required by this chapter and abutting on a public street or officially approved place.

#### LOT, CORNER.

A lot abutting on 2 or more streets at their intersections provided that the interior angle of such intersection is less than 135 degrees.

#### LOT, INTERIOR.

A lot other than a corner lot.

#### LOT, THROUGH.

An interior lot having frontage on 2 nonintersecting streets.

#### LOT LINES.

The lines bounding a lot as defined herein.

#### LOT DEPTH.

The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

#### LOT, T INTERSECTION CORNER.

A single lot abutting two public roads with one of the roads ending at their intersection that create an approximate 90 degree angle and allows traffic to pass through it from three different directions.

#### LOT WIDTH.

The horizontal distance between the side lot lines measured at right angles, to the lot depth at a point midway between the front and rear lot lines.

#### LOWEST ADJACENT GRADE.

Elevation of the lowest ground surface that touches any of the exterior walls of a building.

#### LOWEST FLOOR.

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

#### MAINTENANCE.

The act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

#### MOBILE HOME OR MANUFACTURED HOME.

A Structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. For the purpose of this ordinance, it does not include recreational vehicles or travel trailers that remain licensed and ready for highway use and remain on site less than 180 days. (Rev. Federal rule Oct. 1990)

#### MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION.

A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

#### MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING.

A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

#### MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING.

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

#### MOBILE RECREATIONAL VEHICLE.

A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

#### MODEL, CORRECTED EFFECTIVE.

A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

#### MODEL, DUPLICATE EFFECTIVE.

A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

#### MODEL, EFFECTIVE.

The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

#### MODEL, EXISTING (PRE-PROJECT).

A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

#### MODEL, REVISED (POST-PROJECT).

A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

#### MUNICIPALITY OR MUNICIPAL.

Means the county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

#### NATIONAL GEODETIC VERTICAL DATUM OR NGVD.

Means elevations referenced to mean sea level datum, 1929 adjustment.

#### NATURAL AREAS.

Means the wooded areas which are too shady to permit a grass lawn to grow; prairie lands that are more than one acre in square footage.

#### NATURAL GARDEN.

Means a wildflower, prairie, woodland or other decorative garden border or area that is less than one acre in square footage which is well maintained, is not a public nuisance or a serious blighting influence

and contains no noxious weeds.

#### NEW CONSTRUCTION.

For floodplain management purposes, “new construction” means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by the Village of Lac La Belle and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any Subsequent improvements to such structures.

#### NONCONFORMING STRUCTURE.

An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the flood fringe district is a conforming use. However, if the first floor is lower than the flood protection elevation, the structure is nonconforming.)

#### NONCONFORMING USE.

An existing lawful use or accessory use of a structure or building that is not in conformity with the provisions of this ordinance for the area of the floodplain that it occupies. (Such as a residence in the floodway.) Such use may not be expanded except in conformance with provisions of this chapter.

#### OBSTRUCTION TO FLOW.

Means any development that physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.

#### OCCUPIED.

Includes designed or intended to be occupied.

#### OFFICIAL FLOODPLAIN ZONING MAP.

That map, adopted and made part of this ordinance, which has been approved by the Department of Natural Resources and FEMA.

#### OPEN SPACE USE.

Those uses having a relatively low flood damage potential and not involving structures.

#### ORDINARY HIGHWATER MARK.

The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

#### PERSON.

Includes individuals, partnerships, associations and bodies politic or corporate.

#### PLAN COMMISSION.

The Village of Lac La Belle Plan Commission established under Wis. Stat. Sec. 62.23(7).

#### PRIVATE SEWAGE SYSTEM.

Means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage

system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

#### PUBLIC NUISANCE.

Includes the following:

The physical condition or occupancy of any premises regarded as a public nuisance at common law; or

Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to abandoned wells, shafts, basements, excavations and unsafe fences or structures; or

Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb or property; or

Any premises that are unsanitary, or that is littered with rubbish, garbage, debris or refuse or that has an uncontrolled growth of weeds; or

Noxious weeds: Noxious weeds are currently defined as Canadian Thistle, Leafy Spurge, Field Bindweed (Creeping Jenny), Poison Ivy, Ragweed, Perennial Sow Thistle and Burdock.

#### PUBLIC UTILITIES.

Means those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

#### REASONABLY SAFE FROM FLOODING.

Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

#### RECYCLABLES.

Means materials listed under this code, which include but are not limited to glass or plastic bottles, metal containers, cardboard boxes, newspaper, magazines, appliances, brush, tree trimmings, grass clippings or leaves.

#### REGIONAL FLOOD.

A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

#### SECURITY BARRIER.

Means any device intended to limit or block access to individual doors or windows on a building facade, or to an entire building facade. This term shall include, but not be limited to, window bars, fixed metal grilles, and side-mounted or overhead-mounted retractable metal security gates or grilles, regardless of whether such devices are solid or semi-transparent. It shall not include strengthened vision glass, non-glass transparent materials, electronic alarms or security cameras.

#### SETBACK.

The minimum horizontal distance between the center of the street unless otherwise defined in a given district, and the nearest point of a building or any projection thereof, excluding uncovered steps.

#### SHALL.

Mandatory and not merely permissive.

#### SIDEWALK.

Any manmade paved or hard-Surfaced path not exceeding 6 feet in width at any point designed for pedestrian ingress and egress between the property's house, driveway, and/or garage and a public road.

#### SOLAR ENERGY SYSTEM.

Means a device or combination of devices, structures, or elements that converts sunlight into usable energy.

#### SOLAR PANEL.

Means a structure containing solar cells that collects sunlight and converts it into usable energy.

#### START OF CONSTRUCTION.

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means wither the first placement of permanent construction on a site, such as pouring of slab or footings, installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading or filing, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

#### STREET.

All property dedicated or intended for public or private street purposes or subject to public easements therefore and 21 feet or more in width.

#### STORY.

That portion of a building included between the surface of a floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half or more of its height above grade shall be deemed a story for purposes of height regulations.

#### STREET LINE.

A dividing line between a lot, tract or parcel of land and a contiguous street.

#### STRUCTURE.

Any manmade object with form, shape and utility, permanently attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

#### STRUCTURAL ALTERATIONS.

Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

#### SUBDIVISION.

Has the meaning given in § 236.02(12), Wis. Stats.

#### SUBSTANTIAL DAMAGE.

Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

#### SUBSTANTIAL IMPROVEMENT.

Any structural repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary, or safety code violations identified by the municipal official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure. The term does not, however, include either:

Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which existed before the improvement began, was identified by a municipal official and is necessary to assure safe living conditions.

Any alteration of a designated historical (see definition) structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places provided the alteration will not preclude the structure's continued designation as a historical structure (Rev. federal rule Oct. 1990)

Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. "Substantial improvement" begins when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

#### T-INTERSECTION.

A type of two public road intersection beyond which one of the roads does not continue, and accepts traffic from three different directions and which creates an approximate 90 degree angle at the point where the two roads intersect.

#### TEMPORARY STRUCTURE.

A movable structure not designed for human occupancy, but merely for the protection and/or sale of goods or chattels. Temporary structure shall be placed in such a manner so as not to obstruct vision or create a traffic hazard in the reasonable opinion of the Building Inspector.

#### TRACK.

A path or course laid out or established by usage for the purpose of racing or operating go-carts, motorized dirt bikes, dune buggies, or similar motorized vehicles.

#### TRAILER.

Means a wheeled vehicle which is hitched or attached to a motor vehicle; but does not mean a boat



trailer.

#### UNNECESSARY HARDSHIP.

Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

#### USED.

Includes designed or intended for use.

#### VARIANCE.

An authorization by the board of appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

#### VILLAGE.

The Village of Lac La Belle, Waukesha County, Wisconsin.

#### VISION CLEARANCE.

An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.

#### WATERSHED.

Means the entire region or area contributing runoff or surface water to a particular watercourse or body of Water.

#### WATER SURFACE PROFILE.

Means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

#### WELL.

Means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

#### WIND ENERGY SYSTEM.

Means a wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which will be used primarily to reduce on-site or off-site consumption of power.

#### WINDMILL.

Means any structure or machine that converts wind into usable energy through the rotation of a wheel made up of blades.

#### YARD.

An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

#### YARD, FRONT.

A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.

#### YARD, REAR.

A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building excluding uncovered steps.

#### YARD, SIDE.

A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line.

#### ZONING ADMINISTRATOR.

After October 1, 2009, the Village Administrator shall be the Zoning Administrator.

### 1.98 GENERAL PROVISIONS

#### USE AND HEIGHT.

The use, and height of building now existing or hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established

#### LOT AREAS.

No lot area shall be so reduced, divided, or diminished if the yards or other open spaces will be, or are smaller than is required by this chapter, nor shall the density of population be increased in any manner except in conformity with the regulations hereby established for the district in which a building or premises is located. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required for another building.

#### LOT LIMITATION.

Every building hereafter erected, structurally altered or relocated shall be located on a lot as defined herein and in no case shall there be more than one principal building on a lot, provided, however, that the Board of Appeals may grant an exception to permit more than one principal building on a lot in any district, where such grant would not be contrary to the spirit or intent of the chapter and provided that sufficient lot area is provided and the buildings so located as to individually meet the setback, offset, lot size, and open space requirements of the district in which located.

#### LEGAL NONCONFORMING USES.

Applicability. Insofar as the standards in this section are not inconsistent with the provisions of § 59.97(10), Wis. Stats, for counties, or § 62.23 (7)(h), Wis. Stats., for Villages, they shall apply to all nonconforming uses and nonconforming structures. These regulations apply to the modification of, or addition to, any structure and to the use of any structure or premises which was lawful before the passage of this chapter or any amendment thereto.

The existing lawful use of a structure or building or its accessory use which is not in conformity with the provisions of this chapter may continue subject to the following conditions:

No modifications or additions to a nonconforming use or a nonconforming structure shall be permitted unless they are made in conformity with the provisions of this chapter for the area of the floodplain occupied. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered modifications or additions;

these include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities.

If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this chapter.

As requests are received by the Village of Lac La Belle for modifications or additions to nonconforming uses or nonconforming structures, a record shall be kept by the Village Clerk in consultation with the Village Assessor which lists the nonconforming uses and nonconforming structures, their current assessed value, and the cost of those additions or modifications which have been permitted, and the percentage of the structure's total current value those modifications represent.

No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed fifty-percent (50%) of its current equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this chapter. Contiguous dry land access must be provided for residential and non-residential uses.

If any nonconforming structure or any structure with a nonconforming use is destroyed or is so badly damaged that it cannot be practically restored, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the requirements of this chapter. For the purpose of this subsection, restoration is deemed impractical where the total cost of such restoration would exceed fifty-percent (50%) of the current assessed value of the structure.

#### NONCONFORMING BUILDING PERMITS.

Nothing herein contained shall require any change in the plans construction, size or designated use of any building or part thereof for which a building permit has been issued before the effective date of this chapter and the construction of which shall have been started within six (6) months from the date of such permit.

#### PUBLIC GATHERING PARKING.

All theatres, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide an accessible, parking space of sufficient size to accommodate at least one (1) car for every five (5) seats provided.

#### TOURIST CAMPS.

No Tourist Camp shall hereafter be constructed in the Village of Lac La Belle. The placing, keeping and maintaining of trailers for habitation is prohibited. No person, shall place, keep or maintain for habitation any automobile trailer or mobile home upon any lot, piece or parcel of ground within the Village. This section shall not be construed to prevent the placing, parking, or keeping of an automobile trailer or house car within the Village Limits for a period not exceeding twenty (20) days from the time that such automobile trailer, or house car first arrived within the Village, for occupants of the same who may be guests of citizens where an adequate water supply and toilet facilities are at all times available to the guests within the homes of their hosts; nor to any automobile trailer or house car which is parked within the Village merely for storage purposes and unused for habitation both of which are hereby excepted from this section. Any automobile trailer or house car placed, kept or maintained within the limit of the enumerated exceptions of this section shall be deemed to be an accessory building as such defined

herein, and all sections of said zoning ordinance shall be applicable to such automobile trailer or house car.

#### BOATHOUSES.

No boathouses shall be erected or reconstructed in the Village after January 1, 2000.

#### HEIGHT AND AREA EXCEPTIONS.

The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

Residences in the Residence Districts may be increased in height by not more than ten (10) feet when all yards and other required open spaces are increased by six (6) inches on each side of the house for each foot which such building exceeds the height limit of the district in which it is located.

Where a lot abuts two (2) or more streets having different average established grades, the higher of such grades shall control only for a depth of one-hundred-twenty (120) feet from the line of the higher average established grade.

Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets is complied with.

Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this chapter, such lot may be occupied by one family.

Buildings shall not occupy more than twenty-percent (20%) of the total area of the required lot.

Accessory buildings shall not be more than fifteen (15) feet high and shall not be nearer than ten (10) feet to any lot line.

Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than thirty-six (36) inches.

Open or enclosed fire escapes, fire towers and television antennas may project into a required side or rear yard not more than five (5) feet, provided it be located as not to obstruct light and ventilation.

#### RESTRICTION ON FILLING OF LAND AND CHANGE OF TOPOGRAPHY.

Except as provided in (b) of this subsection, no land shall be filled within the Village, nor shall the existing drainage or topographic characteristics of land within the Village be changed without the owner of said land first obtaining from the Plan Commission a permit allowing for such fill or change in drainage or topographic characteristics. Said permit shall be applied for and considered by the Plan Commission pursuant to Section 1.06 of the Code of Ordinances of the Village of Lac La Belle. The application for said permit shall include a site plan showing all existing and proposed improvements on the property and a topography map showing the topography of the land both before and after the implementation of the proposed change in the topography of the land. The applicant shall pay all fees required by Section 8.26 of the Code of Ordinances of the Village of Lac La Belle. The granting of said permit shall be by majority vote of the Plan Commission and shall be conditioned on compliance with (ii) and (iii) of (b) of this subsection.

De Minimis Exception. Land may be filled, or topography changed, on a parcel within the Village without need of the owner obtaining a permit from the Plan Commission if:

Any slope resulting from the fill or change in topography does not exceed the normal angle of slippage of the material involved and also does not exceed a slope of a ratio greater than three (3) horizontal to one (1) vertical within twenty (20) feet of any boundary line of the parcel (this subparagraph applies only to properties that abut a road with a grade of five-percent (5%) or greater); and

The fill is not deposited on any land within the conservancy zoning district; and

The fill is not deposited on any land designated as wetlands by the Wisconsin Department of Natural Resources or the Village (except that this sub-paragraph does not apply to land lying between the average high water mark and the bulkhead line for Lake Lac La Belle).

#### FENCES.

Fences existing in whole or in part in the area between any lot line and the nearest setback line for that lot may not be constructed, erected or maintained unless the owner of said lot has first received a conditional use permit from the Plan Commission.

The Plan Commission shall follow the procedures set forth in **Section 8.19** of the Code of Ordinances with respect to said conditional use permits. However, the Plan Commission may, by resolution, simplify the application requirements for a fence conditional use permit.

As guidance to the Plan Commission in the issuance of such conditional use permits, it is the intention of the Village that such permits be granted for the following types of fences, subject to the other considerations listed in this Subsection:

Fences enclosing swimming pools;

Fences enclosing tennis courts;

Fences enclosing dog kennels;

Decorative fences not to exceed three feet in height and twenty feet in length and with at least 50 percent open space; and

Fencing to secure dangerous areas and enclose agricultural livestock where allowed within the Village. Conditional use permits for fences should be granted only in instances in which the fence will not materially obstruct the view of the lake for neighboring properties, will be aesthetically appropriate within the neighborhood, and will not otherwise be a material detriment to the neighborhood.

The fence must be completed in compliance with the conditional use permit within twelve (12) months from the date on which the conditional use permit is issued. The fence must be maintained in good condition at all times, and allowing a fence to deteriorate so that it becomes structurally unsound or an aesthetic detriment to the neighborhood is grounds for the Plan Commission to revoke the conditional use permit.

Fences existing on June 17, 1991, do not need a conditional use permit during such time as the property on which the fence exists is owned by the same owner of record as was the owner on June 17, 1991. Upon the transfer of record ownership, the new record owner must either obtain a conditional use permit pursuant to this subsection or remove the fence. Fences existing on June 17, 1991, that do not need a conditional use permit may be maintained, but not expanded or extended without a conditional use permit pursuant to this subsection. In addition, to establish that a fence existed on or before June

17, 1991, the record owner of the property on which the fence exists must register that fence with the Village Clerk on or before December 17 1991, on forms provided by the Village Clerk. Fences not so registered and existing in whole or in part between any lot line and the nearest setback line for that lot must either receive a conditional use permit pursuant to this subsection or be removed.

#### STRUCTURAL LANDSCAPE FEATURES.

No structure may be constructed or erected in the area between any lot line and the nearest setback line for that lot, or in the area between Lac La Belle Drive and the lake, except as provided herein.

Landscaping, architectural, or physical features falling within the definition of "structure" existing in whole or in part in the area between any lot line and the nearest setback line for that lot may not be constructed, erected or maintained unless the owner of said lot has first received a conditional use permit from the Plan Commission. Solely organic and live growth landscaping features including but not limited to trees, gardens, natural plantings and other vegetation are excluded from the regulations of this ordinance.

The Plan Commission shall follow the procedures set forth in Section 8.20 of the Code of Ordinances with respect to said conditional use permits. However, the Plan Commission may, by resolution, simplify the application requirements for a conditional use permit for such landscaping, architectural, or physical features.

In evaluating applications for conditional use permits under this subsection, the Plan Commission shall consider the following factors and adhere to the following restrictions:

It is the intention of the Village that such permits be granted for the following types of landscaping and architectural features, subject to the other considerations listed in this subsection:

Seating benches;

Retaining walls;

Stairs and landings;

Patios, decks and porches;

Decorative lighting structures;

Driveways; and

Sidewalks.

Conditional use permits should be granted only in instances in which the landscaping or architectural feature will not materially obstruct the view of the lake, will be aesthetically appropriate within the neighborhood, and will not otherwise be a material detriment to the neighborhood.

Except as provided otherwise in Section 8.04, conditional use permits shall not be granted pursuant to this subsection for any landscaping, architectural, or physical features located less than sixty (60) feet from the center of Lac La Belle Drive on the non-lake side of the roadway, with the exception of decorative lighting structures.

Conditional use permits shall not be granted pursuant to this subsection for any landscaping, architectural, or physical features that exceed two (2) feet in height, with the exception of decorative lighting structures.

The landscaping, architectural, or physical feature must be completed in compliance with the conditional

use permit within twelve months from the date on which the conditional use permit is issued or such conditional use permit shall automatically lapse. The landscaping, architectural, or physical feature must be maintained in good condition at all times, and allowing deterioration so that it becomes structurally unsound or an aesthetic detriment to the neighborhood is grounds for the Plan Commission to revoke the conditional use permit.

Boatlifts and structures not having permanent location on the ground and which are easily moved by hand are permitted in the area between Lac La Belle Drive and the lake provided such structures do not materially obstruct the view of the lake, will be aesthetically appropriate within the neighborhood, and will not otherwise be a material detriment to the neighborhood.

Driveways and sidewalks are permitted without a conditional use permit provided they are not constructed on the lake side of Lac La Belle Drive, if they are at the same grade as the surrounding property; the average width of a driveway does not exceed eighteen (18) feet; and the width of a sidewalk does not exceed six (6) feet. Interpretation of what qualifies as a driveway or sidewalk shall be resolved by the Zoning Administrator.

The following structures are permitted Outside the building envelope anywhere in the village without a conditional use permit provided such structures do not materially obstruct the view of the lake, are aesthetically compatible with the neighborhood, and will not otherwise be a material detriment to the neighborhood: mailboxes, electrical utility structures and outlets, light poles, sprinkler systems, flower boxes smaller than four (4) Square feet, culverts, decorative fences less than eight (8) feet in length, stone features Smaller than four (4) Square feet, underground dog fences, and drain pipes. Interpretation of what structures qualify for the exemption of **Sub. (g)** shall be resolved by the Zoning Administrator.

#### PARKING OF COMMERCIAL VEHICLES REGULATED.

No commercial vehicle shall be parked in any residential district within the Village unless such vehicle is screened from view from the street and adjoining properties.

#### ALTERNATIVE ENERGY SYSTEMS.

STATUTORY AUTHORIZATION. This Alternative Energy Systems ordinance is adopted pursuant to the authorization in § 61.35 and § 62.33, for villages, and § 66.0401, Wis. Stats.

FINDING OF FACT. Unrestricted installations of Alternative Energy Systems would adversely impact the public health and safety of the Village and its residents, specifically with regard to noise pollution and bird kills.

STATEMENT OF PURPOSE. To regulate Alternative Energy Systems, the Village Board does ordain that the purpose of this ordinance is to:

Protect life, health, and public safety.

Promote the orderly land development within the Village.

Establish Alternative Energy System guidelines for landowners.

Establish guidelines for granting Conditional Use Permits for Alternative Energy Systems.

CONDITIONAL USE. Windmills, Wind Energy Systems, and Solar Energy Systems, with the exception of Solar Panels and their appurtenant hardware, are considered a conditional use in all Zoning Districts,

with the following exceptions:

Solar Panels or Solar Energy Systems may be installed on the roof of a building if they are installed flush against the existing roofline.

Solar Panels or Solar Energy Systems installed on the roof of a building must conform to height limitations already in place for that building.

PERMITTING REQUIREMENTS. All Alternative Energy Systems, including Solar Panels and their appurtenant hardware, are considered accessory structures. Where permitted, Alternative Energy Systems must comply with Zoning Code restrictions applicable to accessory structures in the applicable District. The Village Plan Commission shall utilize the procedure set forth in sec. 8.20 of the Village Code of Ordinance to determine whether to grant a conditional use permit for a proposed Alternative Energy System, with the following conditions:

Permit application shall include the following information:

Site plan to scale showing the location of the proposed Alternative Energy Systems and the locations of all existing buildings, structures and property lines along with distances.

Elevations of the site to scale showing the height, design and configuration of the Alternative Energy System and the height and distance to all existing structures, buildings, electrical lines and property lines.

Standard drawings and an engineering analysis of the System.

A standard foundation and anchor design along with soil conditions and specifications for the soil conditions at the site, unless the System is a roof-mounted Solar Energy System.

Specific information on the type, size, rotor material (if applicable), rated power output, performance, safety and noise characteristics of the System including the name and address of the manufacturer, model and serial number.

Emergency and normal shutdown procedures.

A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes.

Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator unless the system will not be connected to the electricity grid.

It shall be incumbent upon the landowner to demonstrate that the proposed Alternative Energy System does not pose an undue risk to the public health and safety of the Village and its residents.

#### RESTRICTIONS ON GO-CARTS & OFFROAD VEHICLES.

Purpose. The purpose of this section is to prohibit the use of go-carts, motorized dirt bikes, dune buggies, or similar motorized vehicles within the Village to protect the public health, safety and welfare of the community.

Operation. It shall be unlawful for any person to operate a go-cart, motorized dirt bike, or similar motorized vehicles within the Village except as herein specifically permitted and authorized.

Tracks. It shall be unlawful for any person to construct a track within the village for the purpose of operating or accommodating go-carts, motorized dirt bikes, dune buggies, or similar motorized vehicles within the Village.



Exceptions. The following vehicles are not prohibited by this section: motorized scooters used by elderly or otherwise disabled individuals used for transportation; riding lawn mowers; and golf carts that are used on the golf course located in the Village of Lac La Belle.

## 1.99 DISTRICTS.

### DISTRICTS DESIGNATED.

The Village of Lac La Belle is hereby divided into **eleven (11)** districts known as:

Residential District (R-I)

Residential District I-A (R-I-A)

Residential District II (R-II)

Residential District III (R-III)

Residential District IV (R-IV)

Residential District V (R-V)

Residential District VI (R-VI)

Residential District VII (R-VII)

Residential District VIII (R-VIII)

Floodplain District

Conservancy-Wetlands District (C-W)

Park and Public Lands District

### DISTRICT MAP.

The boundaries of such districts are shown on the map on file in the office of the Village Clerk, designated as "District Map of the Village of Lac La Belle" and the said map and all notations and the references and other things shown thereon shall be as much a part of this Chapter by reference as if the matters and things set forth by said map were fully described herein.

### BOUNDARIES OF DISTRICTS.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the district map, the following rules shall apply:

The District boundaries are Village streets, unless otherwise shown and where the designation on the District Map indicates that the various districts are approximately bounded by a street line, such street line shall be construed to be the District boundary line.

Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundary shall be construed to be lot lines, and where the designation on the District Map are approximately bounded by lot lines, said lot lines shall be construed to be the boundary of the district.

For property that has not been subdivided, unless otherwise indicated on the District Map, the district boundary lines are the corporate lines of Village of Lac La Belle, the low water of Lac La Belle and the

centerline of streets and highway.

## 1.100 RESIDENCE DISTRICT I.

### USE.

In the residence district no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:

Single-family residence.

Home occupations. See Definitions

Signs not over eight (8) square feet in area pertaining to the lease, hire or sale of the building or premises.

Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.

### HEIGHT AND AREA.

In the Residence District the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

Height. Buildings hereafter erected or structurally altered shall not exceed thirty-five (35) feet in height.

Side Yard. There shall be a side yard on each side of a building. The Sum of the widths of the required side yards shall not be less than thirty (30) feet, and no single side yard shall be less than twelve (12) feet in width.

Setback. There shall be a minimum setback of eighty-five (85) feet from the center of the highway to the nearest point of any building.

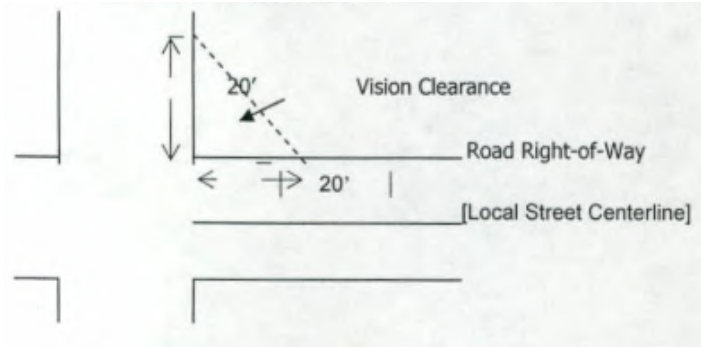
Any building located on a T-Intersection corner lot created by Lac La Belle Drive and any public road intersecting Lac La Belle Drive shall have a setback of eighty-five (85) feet from the center of Lac La Belle Drive and a setback of no less than forty-five (45) feet from the center of the right-of-way of any public road creating the T-Intersection with Lac La Belle Drive. The Rear Yard setback for a T-Intersection corner lot shall have a minimum depth of forty (40) feet.

Rear Yard. There shall be a rear yard having a minimum depth of forty (40) feet.

Lot Area Per Family. Every building hereafter erected or structurally, altered shall provide a, lot area of not less than twenty-thousand (20,000) square feet per family and no, such lot shall be, less than seventy-five (75) feet in width. In this residence district no real estate shall be subdivided into lots or sold, or leased, or any easement therein created in such a manner as to give access to more than one family for every seventy-five (75) feet of lake frontage.

Vision Clearance. There shall be a vision clearance on all corner lots of not less than twenty (20) feet from the corner.

**INSERT PICTURE HERE!**



Floor Space. The minimum Square feet of floor area, of any residence shall be at least twelve-hundred (1,200) square feet, provided, however, that at least one-thousand (1,000) square feet of floor area shall be located on the first floor, exclusive of attached garages, basements, breezeways, or attics having an average height of less than eight (8) feet.

#### **RESIDENCE DISTRICT 1-A.**

USE. In the Residence District I-A no buildings or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this Chapter, except for one or more of the following uses:

Any use permitted in Residence District I.

#### **HEIGHT AND AREA**

The height, side yard, setback, rear yard, vision clearance and floor space requirements shall be the same as in Residence District I.

Lot Area Per Family. Every building hereafter erected or structurally altered shall provide a lot area of not less than thirty-thousand (30,000) square feet per family and no such lot width shall be less than one-hundred (100) feet in width. In this residence district no real estate shall be subdivided into lots or sold, or leased, or easement created in such a manner as to give access to more than one family for every seventy-five (75) feet of lake frontage.

#### **RESIDENCE DISTRICT II.**

All provisions applying to residence District I shall apply in the same manner as to Residence District II, except:

Setback. In Residential District II there shall be a minimum setback of ninety (90) feet from the center of the road to the nearest point of any building.

Side Yard. There shall be a total side yard of 20 feet with a minimum side yard of ten (10) feet on any one side of a property in this district.

Height. Buildings hereafter erected or structurally altered shall not exceed thirty-five (35) feet in height.

Minimum lot widths shall be one-hundred (100) feet; minimum lot area per family shall be the same; to-wit: twenty-thousand (20,000) square feet.

### RESIDENCE DISTRICT III.

USE. In the Residence District III no buildings or premises shall be used and no building shall hereafter be erected or structurally altered, unless provided in this Chapter except for one or more of the following uses: a. Any use permitted in the Residence District I.

HEIGHT AND AREA. The height, area, offsets, location, vision clearance, and space requirements shall be the same as in Residence District II.

### RESIDENCE DISTRICT IV.

USE. In the Residence District IV no buildings or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:

Any use permitted in Residence District 1.

HEIGHT AND AREA. The height, area, offsets, location, vision clearance, and space requirements shall be the same as in Residence District II except as follows:

Lot Area per Family. Every building hereafter erected or structurally altered for human habitation shall provide a lot area of not less than thirty-thousand (30,000) square feet and a minimum width of one-hundred (100) feet.

### RESIDENCE DISTRICT V.

USE. Any use permitted and as regulated in Residence District I, except as hereinafter modified.

HEIGHT AND AREA. The height, area, offsets, location, vision clearance, and space requirements shall be the same as in Residence District II except as follows:

Lot Area For Family. Every building hereinafter erected or structurally altered shall provide a lot area not less than thirty-thousand (30,000) square feet per family and no such lot shall be less than one-hundred (100) feet in width. In this Residence District no real estate shall be subdivided into lots or sold, or leased, or any easement therein created in such manner as to give access to more than one family for every one-hundred (100) feet of lake frontage.

Any building located on a T-Intersection corner lot created by Lac La Belle Drive and any public road intersecting Lac La Belle Drive, or a corner lot created by an approximate ninety (90) degree bend in Lac La Belle Drive, shall have a front setback of ninety (90) feet from the center of Lac LaBelle Drive and a side setback of no less than forty (40) feet from the center of the right-of-Way of any public road creating the T-Intersection with Lac La Belle Drive or the approximate ninety (90) degree bend in Lac La Belle Drive abutting the side portion of the corner lot.

### RESIDENCE DISTRICT VI.

USE. Any use permitted and as regulated in Residence District I.

HEIGHT AND AREA. The height, area, offsets, location, vision clearance, and space requirements shall be the same as in Residence District II except as follows:

Lot Area Per Family. Every building hereinafter created or structurally altered shall provide a lot area not less than thirty-thousand (30,000) square feet per family and no such lot shall be less than one-hundred (100) feet in width. In this Residence District no real estate shall be subdivided into lots or sold, or leased, or any easement therein created in such manner as to give access to more than one family for

every one-hundred (100) feet of lake frontage.

Using the bulkhead line, or the center of the road, as a point of departure there shall be a minimum setback from this line of 100 feet to the nearest point of any building.

#### **RESIDENCE DISTRICT VII.**

USE. In the Residence District VII no buildings or premises shall be used and no buildings shall hereafter be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:

Any use permitted in Residence District IV.

HEIGHT AND AREA. The height, area, offsets, location, vision clearance, and space requirements shall be the same as in Residence District II except as follows:

Every building within Residence District VII hereafter erected or structurally altered for human habitation shall provide a lot area of not less than five (5) acres and a minimum width of two-hundred (200) feet.

#### **RESIDENCE DISTRICT VIII.**

Permitted Uses. No building or premises shall be used and no buildings shall hereafter be erected or structurally altered in this District, unless otherwise provided in this Chapter, except for uses allowed under the Residence District I.

District Requirements. In the Residence District VIII, the height of buildings, minimum yard dimensions, minimum lot area per family and other minimum District requirements shall be as follows:

Height. Buildings hereafter erected or structurally altered shall not exceed thirty-five (35) feet in height.

Side Yard. There shall be a side yard on each side of a principal structure. The sum of the widths of the required side yards shall not be less than forty (40) feet, and no single side yard shall be less than twenty (20) feet in width.

Rear Yard. There shall be a rear yard having a minimum depth of forty (40) feet from the rear yard property line, except that where the rear yard abuts a navigable body of water, there shall be a setback of one hundred (100) feet from the bulkhead line to the nearest point of any principal or accessory building.

Front Yard. There shall be a minimum setback of eighty-five (85) feet from the center of the highway to the nearest point of any building.

Lot Area Per Family. Every building or part of a building erected or structurally altered for residential purposes shall provide lot area of not less than thirty-thousand (30,000) square feet per family and no such lot shall be less than one-hundred (100) feet in width. No real estate shall be subdivided into lots or sold, leased or any easement therein created in such manner as to give access to more than one (1) family or residential lot for every one-hundred (100) feet of lake frontage.

Vision Clearance. There shall be a vision clearance on all corner lots of not less than twenty (20) feet (See Sec. 8.05(2)(f) Exhibit).

#### **FLOOD PLAIN DISTRICT.**

STATUTORY AUTHORIZATION. This flood plain district ordinance is adopted pursuant to the authorization in § 61.35 and § 62.23, for villages and § 87.30, Wis. Stats.

FINDING OF FACT. Uncontrolled development and use of the floodplains, rivers or streams of the Village of Lac La Belle would adversely affect the public health, safety, convenience, general welfare, and impair the tax base.

STATEMENT OF PURPOSE. To regulate development in flood hazard areas to protect life, health and property the Village Board does ordain that the purpose of these rules is to:

Protect life, health and property;

Minimize expenditures of public monies for costly flood control projects;

Minimize rescue and relief efforts, generally undertaken at the expense of the tax paying public;

Minimize business interruptions that usually result in the loss of local incomes;

Minimize damage to public facilities on the floodplains such as water mains, sewer lines, streets and bridges;

Minimize the occurrence of future flood blight areas in floodplains;

Discourage the victimization of unwary land and home buyers; and

Prevent increases in regional flood heights that could increase flood damage and may result in conflicts or litigation between property owners.

Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

TITLE. This section shall be known as the Floodplain Zoning Ordinance for the Village of Lac La Belle, Wisconsin.

#### GENERAL PROVISIONS.

Areas To Be Regulated. Areas regulated by this section include all areas within the limits of the Village of Lac La Belle that would be covered by the "regional flood" as defined in sec. 8.02(2) and include "floodplain islands" as defined in sec. 8.02(2)(1)(a) as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory Zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map per revision is referenced, the most restrictive information shall apply.

Official Maps & Revisions. The boundaries of the floodplain districts including the floodway, flood fringe and other floodplain districts are those areas designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the FIRM must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process before it is effective. These official maps and revisions are on file in the office of the Village Clerk, Village of Lac La Belle. If more than one map or revision is referenced, the most current approved information shall apply.

Official Maps Based on the FIS:

Waukesha County: Flood Insurance Rate Map (FIRM), panel numbers 55133C0018G and 55133C0019G, dated November 5, 2014; with corresponding profiles that are based on the Village of Lac La Belle Flood Insurance Study (FIS) 55133CV001C, 55133CV002C and 55133CV003C, dated November 5, 2014. Approved by: The Department of Natural Resources (DNR) and the Federal Emergency Management

Agency (FEMA).

Jefferson County: Flood Insurance Rate Map (FIRM), panel 55055C0118F, dated February 4, 2015; with corresponding profiles that are based on the Village of Lac La Belle Flood Insurance Study (FIS) 55055CV000B, dated February 4, 2015. Approved by: The Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA).

OFFICIAL MAPS: Based on other studies.

Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

Waukesha County Flood Storage Map, Panel number 1, dated November 5, 2014. Approved by: The Department of Natural Resources (DNR).

ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS. The regional floodplain areas are hereby divided into four districts defined in sec. 8.03 and as follows:

The Floodway District (FW) consists of the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.

The Flood fringe District (FF) consists of that portion of the floodplain between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.

The General Floodplain District (GFP) consists of all areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

LOCATING FLOODPLAIN BOUNDARIES. Where an apparent discrepancy exists between the locations of the outermost boundary of the flood fringe district or general floodplain district shown on the official floodplain Zoning map and actual field conditions, the location shall be initially determined by the zoning administrator using the criteria in sub (i) or (ii) below. The Zoning administrator can rely on a boundary derived from profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this ordinance. Where the Zoning administrator finds that there is a significant difference between the map and the actual field conditions, the map shall be amended using the procedures established in sec. 8.14(19). Disputes between the Zoning administrator and an applicant over the location of the district boundary line shall be settled according to sec. 8.14(a)(a)(ii). Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to sec. 8.14(16).

If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

Where flood profiles do not exist for projects, the location of the boundary shall be determined by the zoning administrator using the scale appearing on the map.

REMOVAL OF LANDS FROM FLOODPLAIN. Compliance with the provisions of this ordinance shall not be

grounds for removing lands from the floodplain district, unless they are removed by filling to a height of at least two feet above the regional flood elevation, the fill is contiguous to land lying outside the floodplain district, and the map is amended pursuant to sec. 8.14(19).

COMPLIANCE. Any development, as defined in sec. 8.02(2), or use within the areas regulated by this ordinance shall be in full compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, the Village of Lac La Belle is required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wis. § 13.48(13), applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Wis. § 30.2022, applies.

#### **ABROGATION AND GREATER RESTRICTIONS.**

This ordinance Supersedes all the provisions of any municipal Zoning ordinance enacted under § 59.69 and § 59.694 for counties; under § 61.35 for villages or § 87.30, Wis. Stats., which relate to floodplains except that where another municipal Zoning ordinance is more restrictive than the provisions contained in this section, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

This section is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this section imposes greater restrictions, the provisions of this ordinance section shall prevail.

INTERPRETATION. In their interpretation and application, the provisions of this ordinance section shall be held to be minimum requirements liberally construed in favor of the governing body, and shall not be deemed a limitation on or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in Ch. NR 116, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Ch. NR 116 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

WARNING AND DISCLAIMER OF LIABILITY. The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance section does not create liability on the part of, or a cause of action against, the Village of Lac La Belle or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

SEVERABILITY. Should any portion of this ordinance section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

ANNEXED AREAS. The Waukesha County and Jefferson County floodplain Zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the Village of Lac La Belle for all areas annexed by the Village of Lac La Belle until the Village of Lac La Belle adopts and enforces an ordinance that meets the requirements of Ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the Village of Lac La Belle's official zoning map. County floodplain Zoning provisions are incorporated by reference for the purpose of



administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway.

#### GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS.

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in sec. 8.15(16)(a)(ii). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

#### Hydraulic And Hydrologic Analyses.

No floodplain development shall:

Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development causing any increase in the regional flood height; or

Cause an increase in regional flood height due to floodplain storage area lost.

The Zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in regional flood height based on the officially adopted FIRM or other adopted map, unless the provisions of sec. 8.14(19) are met.

**WATERCOURSE ALTERATIONS.** No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Village Clerk has notified in writing all adjacent municipalities, the Department of Natural Resources and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of Sec 2.1 must be met and flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six (6) months after the date of the watercourse alteration or relocation and pursuant to sec. 8.15(17), the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

**CHAPTER 30, 31, WIS. STATS., DEVELOPMENT.** Development which requires a permit from the Department of Natural Resources, under Ch. 30 and 31, Stats, such as docks, piers, wharves, bridges, culverts, dams and navigational aids may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance, are made according to sec. 8.14(34).

**PUBLIC OR PRIVATE CAMPGROUNDS** Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

The campground is approved by the Department of Health Services;

A land use permit for the campground is issued by the Zoning administrator;

The character of the river system and the campground elevation are such that a seventy-two (72) hour warning of an impending flood can be given to all campground occupants;

There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in **sub. (4)** - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;

Only camping units that are fully licensed, if required, and ready for highway use are allowed;

The camping units shall not occupy any site in the campground for more than one-hundred-eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours;

All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one-hundred-eighty (180) days and shall ensure compliance with all the provisions of this section;

The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;

All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either sec. **8.15(10), (11), or (12)** for the floodplain district in which the structure is located;

The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and

All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or flood proofed to the flood protection elevation.

#### FLOODWAY DISTRICT (FW).

Applicability. The provisions of this section apply to all areas mapped as floodway on the official floodplain zoning maps, and to those portions of the general floodplain district determined to be floodway according to the procedures in sec. **8.14(d)**.

Permitted Uses. The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District if they are not prohibited by any other ordinance; they meet the standards in sec. **8.14(c) and 8.14(d)**; and all permits or certificates have been issued according to sec. **8.14(18)**.

Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips.

Nonstructural private and public recreational uses, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of sec. 8.14(cc)(iic)(iv).

Uses or structures accessory to open space uses, or those classified as historic structures, that are not in conflict with the provisions in sec. 8.14(c)(c) and 8.14(d).

Extraction of sand, gravel or other materials according to sec. 8.14(cc)(iic)(iv).

Functionally water-dependent uses such as: docks, piers or wharves, including those used as part of a marina, and other water related uses such as dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines, according to Ch. 30 and 31, of the Wis. Stats.

Public utilities, streets and bridges, according to sec. 8.14(cc)(iii).

Standards For Developments. In Floodway Areas.

#### GENERAL

Any development in floodway areas shall meet all of the provisions of sec. 8.14(6); and have a low flood damage potential.

Applicants shall provide the following data for the zoning administrator to determine the effects of the proposal according to sec. 8.14(6)(a) and sec. 8.15(16)(iii)(c).

A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or

An analysis calculating the effects of this proposal on regional flood height.

The Zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for sec. 2, above.

STRUCTURES: Structures accessory to permanent open space uses, or functionally dependent on a waterfront location, may be allowed by permit, if the structures comply with the following criteria:

Not designed for human habitation, does not have a high flood damage potential, and is constructed to minimize flood damage;

Shall have a minimum of two (2) openings on different walls having a total net area not less than one (1) square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one (1) foot above grade. The openings shall be equipped with Screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;

Must be anchored to resist flotation, collapse, and lateral movement;

Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and

It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

Public utilities, streets and bridges may be allowed by permit, provided that:

Adequate flood proofing measures are provided to the flood protection elevation; and

Construction does not cause an increase in the regional flood height according to **sec. 8.14(6)(a)**,

Fills or deposition of materials may be allowed by permit, provided that:

The requirements of **sec. 8.14(6)(a)** are met;

No material is deposited in navigable waters unless a permit has been granted by the Department of Natural Resources pursuant to Ch. 30, Wis. Stats., and a permit pursuant to sec. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334 has been issued, if applicable, and all other requirements have been met:

The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulk heading; and

The fill is not classified as a solid or hazardous material.

Prohibited Uses. All uses not listed as permitted uses in **sec. 8.14(b)** are prohibited, including the following uses:

Habitable structures, structures with high flood damage potential, or not associated with permanent open-space uses;

Storing materials that are buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

Uses not in harmony with, or detrimental to uses permitted in the adjoining districts;

Any private or public sewage systems; except portable latrines that are removed prior to flooding, and systems associated with recreational areas and Department approved campgrounds, that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code;

Any public or private wells which are used to obtain portable water, except those for recreational areas that meet the requirements of local ordinances and Ch. NR 811 and NR 812, Wis. Adm. Code;

Any solid and hazardous waste disposal sites;

Any wastewater treatment ponds or facilities except those permitted under sec. NR 110.15(3)(b), Wis. Adm. Code;

Any sanitary sewer or water supply lines except those to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

FLOOD FRINGE DISTRICT (FF). Applicability. This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to sec. **8.14(d)**.

Permitted Uses. Any structure, land use, or development, is allowed in the Floodfringe District if the standards contained in sec. **8.14(11)(b)** are met, the use is not prohibited by this or any other ordinance or any other local, state or Federal regulation and that all permits or certificates specified in sec. **8.14(18)(a)** have been issued.

Standards For Development In the Floodfringe. All of the provisions of **sec. 8.14(6)(a)** shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of **sec. 8.15(13)**;

RESIDENTIAL USES. Any structure, including mobile/manufactured homes, which is to be newly constructed, or moved in the flood fringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of **sec. 8.15(13)**;

The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of **sec. 8.15(11)(i)(2)** can be met. The fill shall be one foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure.

The basement or crawlway floor may be placed at the regional flood elevation providing it is flood proofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.

Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in **par. 4**.

In developments where existing streets or sewer line elevations make compliance with **paragraph 3** impractical, the Village of Lac La Belle may permit new development and substantial improvements where roads are below the regional flood elevation, provided:

The Village of Lac La Belle has written assurance from the appropriate local units of police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles, during a regional flood event; or

The Village of Lac La Belle has a DNR approved emergency evacuation plan.

ACCESSORY STRUCTURES OR USES: Accessory structures, shall be constructed on fill with the lowest floor at or above the regional flood elevation.

COMMERCIAL USES: Any commercial structure that is erected, altered or moved into the flood fringe shall meet the requirements of **sec. 0(11)bi**. Subject to the requirements of **Sub (v)**, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

MANUFACTURING AND INDUSTRIAL USES: Any manufacturing, or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in **sec. 0(18)**. Subject to the requirements of **sec. 8.15(11)(b)(v)**, storage yards, parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

STORAGE MATERIALS: Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life, shall be stored at or above the flood protection elevation or floodproofed in compliance with **sec. 0(18)e**. Adequate measures shall be taken to assure that such materials will not enter the water body during flooding.

PUBLIC UTILITIES, STREETS AND BRIDGES: All utilities, streets and bridges should be designed to be compatible with comprehensive floodplain development plans; and

When failure of public utilities, streets and bridges would endanger public health or safety or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are

designed to comply with sec. 0(18)e.

Minor roads or nonessential utilities may be constructed at lower elevations provided they are designed to withstand flood forces to the regional flood elevation.

SEWAGE SYSTEMS. All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system pursuant to the applicable provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.

WELLS. All wells shall be designed to minimize or eliminate infiltration of flood waters into the system pursuant to sec. 0(18)e, and shall meet the applicable provisions of Ch. NR 811 and NR812, Wis. Adm. Code.

SOLID WASTE DISPOSAL SITES. Disposal of solid or hazardous waste is prohibited in floodfringe areas.

DEPOSITION OF MATERIALS: Any materials deposited for any purpose may only be allowed if all the provisions of this ordinance are met.

MOBILE HOMES AND MANUFACTURED HOMES.

Owners or operators of all mobile manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with the local emergency management authorities.

In existing mobile home parks, see definition in sec. 8.03(2)(aaaa) all new homes, replacement homes on existing pads, and substantially improved homes shall:

Have the lowest floor elevated to the flood protection elevation; and

Be anchored so they do not float, collapse or move laterally during a flood.

Outside of existing manufactured home parks: including new manufactured home parks, and all single units outside of existing parks; all new, replacement and substantially improved mobile/manufactured homes, shall meet the residential development standards for the floodfringe in sec. 0(11)bi and the Flood Storage District in sec. 8.15(13)(3).

GENERAL FLOODPLAIN DISTRICT (GFP).

APPLICABILITY. The provisions for this district shall apply to all floodplains mapped as A, AO or AH Zones.

PERMITTED USES.

Pursuant to sec. 0dd it shall be determined whether the proposed use is located within the floodway or floodfringe.

Those uses permitted in the Floodway sec. 0(10)b) and Floodfringe Districts sec. 0(11)a) are allowed within the General Floodplain District, according to the standards of sec. 0(12)c) provided that all permits or certificates required under sec. 0(18)a) have been issued.

STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT. Once it is determined according to sec. (12)d) that a proposed use is located within a floodway, the provisions of sec. 00 shall apply. Once determined that the proposed use is located within the flood fringe, the provisions of sec. 0(11) shall apply. All provisions of the remainder of this ordinance apply to either district.

In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:

At or above the flood protection elevation; or

Two (2) feet above the highest adjacent grade around the structure; or

The depth as shown on the FIRM:

In AO/AH Zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

**DETERMINING FLOODWAY AND FLOOD FRINGE LIMITS.** Upon receiving an application for development within the general floodplain district, the Zoning administrator shall:

Require the applicant to submit two copies of an aerial photograph, or a plan which accurately locates the proposed development with respect to the general floodplain district limits, channel of stream, existing floodplain developments, along with all legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures, and the flood Zone as shown on the FIRM.

Require the applicant to furnish any of the following information deemed necessary by the Department for evaluation of the effects of the proposal upon flood height and flood flows, the regional flood elevation and to determine the boundaries of the floodway:

A Hydrologic and Hydraulic Study as specified in sec. 8.15(16)(ii)(c).

Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.

Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

**FLOOD STORAGE DISTRICT.** The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

**APPLICABILITY.** The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.

**PERMITTED USES.** Any use or development which occurs in a flood storage district must meet the applicable requirements in sec. 4.3.

#### STANDARDS FOR DEVELOPMENT IN FLOOD STORAGE DISTRICTS

Development in a flood storage district shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.

No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost, (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

If compensatory storage cannot be provided, the area may not be developed unless the entire area

Zoned as flood storage district - on this waterway - is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per sec. 8.0 Amendments of this ordinance.

No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

#### NONCONFORMING USES.

##### GENERAL.

APPLICABILITY. Insofar as the standards in this section are not inconsistent with the provisions of Wis. § 62.23(7)(h), for villages, they shall apply to all modifications or additions to any nonconforming uses or nonconforming structures and to the use of any structure or premises that was lawful before the passage of this ordinance or any amendment thereto.

The existing lawful use of a structure or its accessory use that is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

No modifications or additions to a nonconforming use or a nonconforming structure shall be permitted unless they are made in conformity with the provisions of this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered modifications; these include painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private Sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed two-hundred (200) square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance.

The Village of Lac La Belle shall keep, a record which lists the nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all additions or modifications which have been permitted, and the percentage of the structure's total current value those modifications represent.

No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed fifty-percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with sec. 0(11)b.i). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty-percent (50%) provisions of this paragraph.

No modification or addition to any nonconforming structure or any structure with a nonconforming use,



which over the life of the structure would equal or exceed fifty-percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with sec. 8.15(11)(b)(i). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty-percent (50%) provisions of this paragraph.

No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed fifty-percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with sec. 8.15(11)(b)(i).

If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds fifty-percent (50%) of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with sec. 8.15(11)(b)(i).

Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty-percent (50%) of the structure's present equalized assessed value.

For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

#### Residential Structures

Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of sec. 8.15(16)(e)(ii).

Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in sec. 8.15(12)(c)(i).

In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

#### Nonresidential Structures

Shall meet the requirements of sec. 8.15(13)(a)(2).

Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in sec. 8.15(16)(e)(i) or (ii)

In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in sec. 8.15(12)(c)(i).

A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with sec. 8.15(10)(c)(i) flood resistant materials are used, and construction practices and floodproofing methods that comply with sec. 8.15(16)(e) are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of sec. 8.15(13)(a)(2) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

#### FLOODWAY DISTRICT.

No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:

Has been granted a permit or variance which meets the floodway requirements of this ordinance; and

Meets the requirements of sec. 0(14)a; and

Shall not increase the obstruction to flood flows or regional flood height; and

Any addition to the existing structure shall be flood proofed, pursuant to sec. 0(18)e, by means other than the use of fill, to the flood protection elevation; and

If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than twelve (12) inches above the adjacent grade;

The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

The use must be limited to parking, building access or limited storage.

No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site

sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and Ch. SPS 383, Wis. Adm. Code.

No new well or modification to an existing well, used to obtain water for ultimate human consumption, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances and Ch. NR 811 and NR 812, Wis. Adm. Code.

#### FLOODFRINGE DISTRICT.

No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the Village of Lac La Belle, and meets the requirements of sec. 8.15(10)b. except where sec. 0(16)b is applicable.

Where compliance with the provisions of subd. (a) would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the board of adjustment/appeals, using the procedures established in sec. 0(18)c, may grant a variance from those provisions of par. (a) for modifications or additions, using the criteria listed below. Modifications or additions that are protected to elevations lower than the flood protection elevation may be permitted provided:

No floor is allowed below the regional flood elevation for residential or commercial structures; and

Human lives are not endangered;

Public facilities, such as water or sewer, shall not be installed;

Flood depths shall not exceed two feet;

Flood velocities shall not exceed two feet per second; and

The structure shall not be used for storage of materials described in sec. 0(11)b.v.

All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.

All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and Ch. NR 811 and NR 812, Wis. Adm. Code.

#### FLOOD STORAGE DISTRICT

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in sec. 8.15(13)(3) are met.

### **ADMINISTRATION.**

#### ZONING ADMINISTRATOR.

##### Duties and Powers

After October 1, 2009, the Village Administrator shall be the Zoning Administrator for the purpose of administering and enforcing this ordinance. The Zoning administrator is hereby authorized to administer the provisions of this ordinance and shall have the following duties and powers:

Advise applicants of the provisions of this ordinance; assist them in preparing permit applications and

appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.

Inspect and assess all damaged floodplain structures to determine if substantial damage to structures has occurred.

Keep records of all official actions such as:

All permits issued, inspections made, and work approved;

Documentation of certified lowest floor and regional flood elevations;

Floodproofing certificates

Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.

All substantial damage assessment reports for floodplain structures.

List of nonconforming structures and uses.

Submit copies of the following items to the Department of Natural Resources district office:

Within ten (10) days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;

Copies of case-by-case analyses and other required information including an annual summary of floodplain Zoning actions taken.

Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

Investigate, prepare reports, and report violations of this ordinance to the Plan Commission and the Village attorney for prosecution. Copies of the violation reports shall also be sent to the Department District office.

Submit copies of amendments to the regional office of FEMA.

LAND USE PERMIT. A land use permit shall be obtained from the zoning administrator before any new "development", as defined in sec. 8.03(2)(w), or any repair, modification or addition to an existing structure; or change in the use of an existing building or structure including sewage disposal systems and Water supply facilities may be initiated. Application to the zoning administrator shall include:

#### GENERAL INFORMATION

Name and address of the applicant, property owner and contractor-builder;

Legal description of the property, type of proposed use, and an indication as to whether new construction or a modification to an existing structure is involved;

SITE DEVELOPMENT PLAN. The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:

Location, dimensions, area and elevation of the lot;

Location of the ordinary highwater mark of any abutting navigable waterways;

Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;

Location of any existing or proposed on-site sewage systems or private water supply systems;

Location and elevation of existing or future access roads;

Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps;

The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD).

Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of sec. .00 or 0(11) are met.

Data sufficient to determine if the proposed development will cause either an obstruction to flow or an increase in regional flood height or discharge according to sec. 0(6)a. This may include any of the information noted in sec. 0(10)c.i.

#### HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT.

All hydraulic and hydrologic studies shall be completed under direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

#### Zone A Floodplains:

##### Hydrology

The appropriate method shall be based on the standards in Ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis. Determination of Regional Flood Discharge.

Hydraulic modeling. The regional flood elevation shall be based on the standards on Ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for study.

Channel sections must be surveyed.

Minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

A maximum distance of five-hundred (500) feet between cross sections is allowed in developed areas with additional intermediate cross Sections required at transitions in channel bottom slope including a Survey of the channel at each location.

#### **The most current version of HEC RAS shall be used.**

A Survey of bridge and culvert openings and the top of road is required at each structure.

Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than five-hundred (500) feet.

Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie into existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

Mapping. A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

#### Zone AE Floodplains

Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis. Determination of Regional Flood Discharge.

Hydraulic model. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

Existing (Pre-Project Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and Survey notes.

Changes to the hydraulic models shall be limited to the stream reach for which the revision is being

requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

Mapping. Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

Certified topographic map of suitable scale, contour interval, and a plan metric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

The revised floodplain boundaries shall tie into the effective floodplain boundaries.

All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

Both the current and proposed floodways shall be shown on the map.

The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

**EXPIRATION.** All permits issued under the authority of this ordinance shall expire no more than one-hundred-eighty (180) days after issuance. The permit may be extended for a maximum of one-hundred-eighty (180) days for good and sufficient cause.

**CERTIFICATE OF COMPLIANCE.** No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning administrator, except where no permit is required, subject to the following provisions:

The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance.

Application for such certificate shall be concurrent with the application for a permit.

The certificate of compliance shall be issued within ten (10) days after written notification of completion of the work specified in the permit, provided the building or premises or proposed use conforms to all the provisions of this ordinance.

The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and flood proofing elevations are in compliance with the permit

issued. Flood proofing measures also require certification by a registered professional engineer or registered architect that the requirements of sec. 0(18)e.

OTHER PERMITS. Prior to obtaining a floodplain development permit, the applicant must secure all other necessary permits from all appropriate federal, state, and local agencies, including, but not limited to, those required by the U.S. Army Corps of Engineers under sec. 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.

#### PLAN COMMISSION.

The Commission shall:

Oversee the functions of the office of the zoning administrator and

Review and make recommendations to the governing body on all proposed amendments to this ordinance, maps and text.

The Plan Commission shall not:

Grant variances to the terms of the ordinance in place of action by the Board of Appeals; nor

Amend the text or zoning maps in place of official action by the Village Board of Trustees.

#### BOARD OF APPEALS

Appeals to the board may be taken by any person aggrieved or by any officer, department, or board of the Village of Lac La Belle affected by any decision of the Zoning administrator in the manner set forth in sec. 8.19. The final decision regarding the appeal or variance application shall be sent to the district office of the Department within ten (10) days of the decision.

BOUNDARY DISPUTES. The following procedure shall be used by the board of appeals in hearing disputes concerning floodplain district boundaries:

If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.

The person contesting the location of the district boundary shall be given a reasonable opportunity to present arguments and technical evidence to the board of appeals; and

If the boundary is incorrectly mapped, the board should inform the Plan Commission or the person contesting the location of the boundary to petition the governing body for a map amendment according to sec. 0(19).

#### VARIANCE.

The Board of Appeals may, upon appeal, grant a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates that:

Literal enforcement of the ordinance will cause unnecessary hardship on the applicant;

The hardship is due to adoption of the floodplain ordinance and unique property conditions; not common to adjacent lots or premises. In such case the ordinance or map must be amended;

Such variance is not contrary to the public interest;

Such variance is consistent with the purpose of this ordinance in sec. 0(3).



In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:

The variance shall not cause any increase in regional flood elevation;

Variance can only be granted for lots that are less than one-half (1/2) acre and contiguous to existing structures constructed below the RFE; and

Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contract to the purpose of the ordinance.

A variance shall not:

Grant, extend or increase any use prohibited in the zoning district;

Be granted for a hardship based solely on an economic gain or loss;

Be granted for a hardship which is self-created;

Damage the rights or property values of other persons in the area;

Allow actions without the amendments to this ordinance or map(s) required in sec. 0(19)a.

Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure. (Rev. Federal rule Oct. 1990)

When a variance is granted in a floodplain area the Board shall notify the applicant in Writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy of this notification shall be maintained with the variance appeal record.

TO REVIEW APPEALS OF PERMIT DENIALS.

The Board of Appeals shall review all data constituting the basis for the appeal of permit denial. This data may include (where appropriate):

Permit application data listed in sec. 0(18)ai4.b.

Floodway/flood fringe determination data in sec. 0(12)d;

Data listed in sec. 0(10)c.i2 where the applicant has not submitted this information to the zoning administrator; and

Other data submitted to the zoning administrator with the permit application, or submitted to the Board with the appeal.

For appeals of all denied permits the Board shall:

Follow the procedures of sec. 0(18)c;

Consider Zoning Agency recommendations;

Either uphold the denial or grant the appeal.

For appeals concerning increases in regional flood elevation the Board shall:

Uphold the denial where the Board agrees with the data showing **an increase in flood elevation.**

**Increases may only be allowed after amending the flood profile and map and all appropriate** legal arrangements are made with all adversely affected property owners as per the requirements of sec.

**8.15(16)a.**

Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

**FLOOD PROOFING STANDARDS FOR NONCOMFORMING STRUCTURES OR USES.**

No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.

For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either;

Certified by a registered professional engineer or architect; or

Meets or exceeds the following standards;

A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

The bottom of all openings shall be no higher than one (1) foot above grade; and

Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Flood proofing measures shall be designed, as appropriate, to:

Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

Protect structures to the flood protection elevation;

Anchor structures to foundations to resist flotation and lateral movement;

Minimize or eliminate infiltration of flood waters; and

Minimize or eliminate discharges into flood waters.

**PUBLIC INFORMATION.**

Place marks on structures to show the depth of inundation during the regional flood.

All maps, engineering data and regulations shall be available and widely distributed.

Real estate transfers should show what floodplain district any real property is in.

**AMENDMENTS.** Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain Zoning maps, floodway lines and water surface profiles, in accordance with **sec. 8.15(17)**.

In AE Zones with a mapped floodway, no obstruction or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain Zoning maps, floodway lines and water surface profiles, in accordance with **sec. 8.15(17)**. Any such alterations must be reviewed and approved by FEMA and the DNR.

In A Zones increases equal to or greater than one (1) foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance to **sec. 8.15(17)**.

GENERAL. The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in **sec. 8.2 below**. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;

Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;

Any changes to any other officially adopted floodplain maps listed in 1.5(2)(b);

Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;

Correction of discrepancies between the water surface profiles and floodplain maps;

Any upgrade to a floodplain zoning ordinance text required by sec. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and

All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

PROCEDURES. Amendments to this ordinance may be made upon petition of any party according to the provisions of Wis. § 62.23. The petitions shall include all data required by **sec. 0(12)d and 0(18)a.ii**. The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

Copies of any amendment proposed shall be referred to the Plan Commission for a public hearing and recommendation to the governing body. Copies of the proposed amendment and notice of the public hearing shall be submitted to the appropriate District office of the Department of Natural Resources for review prior to the hearing. The amendment procedure shall comply with the provisions of Wis. § 62.23.

No amendment to the maps or text of this ordinance shall become effective until reviewed and approved by the Department.

All persons petitioning for a map amendment which involves an obstruction to flow causing any increase in regional flood height shall obtain flooding easements, or other appropriate legal arrangements, from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

ENFORCEMENT AND PENALTIES. Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the Village attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the Village of Lac La Belle a penalty of not less than and not more than fifty dollars (\$50.00), together with a taxable cost of such action. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the Village of Lac La Belle, the state, or any citizen thereof pursuant to Wis. § 87.30.

### **C-W CONSERVANCY WETLAND DISTRICT AND C-W BUFFER DISTRICT REGULATIONS**

Permitted Uses.

The following uses are permitted within the C-W Conservancy - Wetland District and the C-W Buffer

District subject to the provisions of Ch. 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

Activities and uses which do not require the issuance of a conditional use permit, provided that no wetland alteration occurs:

Hiking, fishing, trapping with live traps only (not by bolt or Conobear traps), swimming, snowmobiling and boating;

The harvesting of wild crops, such as marsh bay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.

Uses which do not require the issuance of a conditional use permit and which may involve wetland alterations only to the extent provided below:

The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;

The construction and maintenance of walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;

The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in [sec. 7.13](#) of the Shoreland-Wetland ordinance; and

The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

Uses which are allowed upon the issuance of a conditional use permit and which may include wetland alterations only to the extent specifically provided below:

The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under [sec. 4.02](#), of the Shoreland-Wetland ordinance, provided that:

The road cannot, as a practical matter, be located outside the wetland:

The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in [sec. 7.13](#) of the Shoreland-Wetland ordinance:

The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use:

Road construction activities are carried out in the immediate area of the roadbed only; and

Any wetland alteration must be necessary for the construction or maintenance of the road.

The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and Wildlife habitat improvement projects, game bird and animal farms and wildlife preserves, provided that:

Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;

The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in **sec. 4.023(1)** of the Shoreland-Wetlands ordinance; and

Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, and wildlife preserves, shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided that:

The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;

Only limited filling or excavating necessary for such construction or maintenance is allowed and said activities comply with **sec. 4.022(3)** of the Shoreland-Wetlands ordinance; and

Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in **sec. 7.13** of the Shoreland-Wetlands ordinance.

#### PROHIBITED USES.

Any use not listed in section (1) of this section is prohibited within the C-W - Conservancy-Wetland District and the C-W Buffer District, unless the wetland or a portion of the Wetland has been re-zoned by amendment of this ordinance in accordance with this Ordinance **sec. 7.0** of the Shoreland-Wetlands ordinance.

#### **I-1 INSTITUTIONAL DISTRICT**

INTENT. The I-1 Institutional District is intended to provide areas that are under educational, religious, and/or public-related use and ownership, and where the use for these purposes is anticipated to be permanent.

PERMITTED USES. In the I-1 Institutional District no building or premises shall be used and no building shall hereafter be erected or structurally altered, except in accordance with the provisions of this Section.

Permitted uses in the I-1 district are as follows:

The exercise of religion in churches, temples, synagogues, mosques, schools, and/or recreational facilities.

Libraries, museums, nature centers, and art galleries.

Private schools, colleges, and universities.

The following accessory uses are permitted in the I-1 Institutional District provided such uses are directly associated with one or more permitted uses for the I-1 Institutional District:

Garages for storage of vehicles used in conjunction with the operation of a permitted use.

Off-street parking and loading areas.

Residential quarters for caretakers or clergy and seasonal residential quarters for seasonal staff and employees. iv. Service buildings and facilities normally accessory to the permitted uses.

Infirmaries.

Utilities servicing the property.

Ground-mounted and building-mounted earth station dish antennas.

Private recreational facilities including:

Group or organized camps.

Historic and monument sites.

Ice-skating.

Parks (general recreation).

Parks (leisure and ornamental).

Picnicking areas.

Playfields or athletic fields.

Playgrounds.

Play lots or tot lots.

Recreation centers.

Skiing and tobogganing.

Swimming beaches.

Swimming pools.

Outdoor camping and related camping.

Short-term lodging and meeting facilities.

Private indoor and outdoor eating facilities (permanent and temporary).

Conditional uses. Conditional uses in the I-1 district are as follows:

Utilities servicing properties other than the subject property.

Public administrative offices and public service buildings, including fire and police stations.

Wind energy conversion systems.

Music and performance facilities directly related to a permitted use.

Limited animal husbandry for non-commercial educational purposes conducted within areas approved by the Plan Commission.

Seasonal gazebos and structures utilized for uses otherwise permitted in the I-1 District that are less than 6'x6' in size, are not more than ten (10) feet in height, and that are not permanently anchored to the ground or any permanent structure.

Vegetable and/or flower gardens not more than one-half (1/2) acre in size used for non-commercial, educational purposes.

Activities and uses of an organized religion not otherwise expressly permitted by this section that do not constitute the exercise of religion.

HEIGHT AND AREA. In the I-1 Institutional District the height of buildings, the minimum dimensions of yards and the minimum lot area shall be as follows:

Lot area and width. Lots in the I-1 district shall be a minimum of five (5) acres in area with a minimum lot width of two-hundred (200) feet.

Building Height. No building or parts of a building in the I-1 district shall exceed thirty-five (35) feet in height.

Yards. Yard regulations in the I-1. Institutional District shall be as follows:

Rear yard: not less than one-hundred (100) feet.

Side yard: there shall be two (2), the sum of the widths shall be a minimum of seventy-five (75) feet, and no single side yard shall be less than ten feet in width.

Street yard: a minimum of eighty-five (85) feet from the right-of-way line of all public streets.

Plan commission review required. To encourage a use environment that is compatible with the primarily residential character of the Village of Lac La Belle, no building permit and/or occupancy permit for any permitted, accessory or conditional use in the I-1 district, except the exercise of religion in churches, shall be issued without prior review and approval of the Plan Commission. Such review and approval shall be concerned with, but not necessarily limited to, the general layout, building plans, ingress, egress, parking, plan of operation, loading and unloading and landscape plans. The application procedure and standards of review described in [sec. 8.19](#) of this chapter shall be applicable to Plan Commission review under this division. Plan Commission review is required for all types of permitted, accessory, and conditional uses and structures.

#### PARK AND PUBLIC LANDS DISTRICT.

##### Permitted Uses.

Forest reserves (wilderness areas).

Forest reserves (wilderness refuges).

Golf courses, either public or private, with or without clubhouse facilities.

Parks (general recreation).

Parks (leisure and ornamental).

Picnic areas.

##### Permitted Accessory Uses.

Buildings accessory to the permitted recreational use.

##### Conditional Uses.

##### Temporary Uses.

Lot Area and Width. Lots shall provide sufficient area for the principal structure and its accessory structures, off-street parking and loading areas and all required yards.

Building Height. No building or parts of a building shall exceed fifty (50) feet in height or two and one-half (2-1/2) stories in height.

Front Yard Setback. There shall be a minimum setback of sixty-five (65) feet from the center of the

highway to the nearest point of any building.

Side Yard Setback. There shall be a side yard on each side of a principal structure. The sum of the widths of the required side yards shall not be less than forty (40) feet, and no single side yard shall be less than twenty (20) feet in width.

Setback From Lake, River, or Stream. There shall be a minimum setback of seventy-five (75) feet from any lake, river, or stream.

Vision Clearance. There shall be a vision clearance on all corner lots of not less than twenty (20) feet.

Boathouses. Boathouses shall not be constructed in this District.

Plan Commission Review Required. To encourage a recreational use environment that is compatible with the residential character of the Village, building permits for permitted uses in the Park and Public Lands District shall not be issued without the review and approval of the Plan Commission. Such review and approval shall be concerned with the current and proposed general layout, building plans, ingress, egress, parking, loading, unloading, and landscape and drainage plans.

#### **OCCUPANCY AND USE PERMIT.**

REQUIRED. No vacant land nor any building erected, structurally altered, or relocated shall be used or occupied except for agricultural purposes until the Building Inspector has inspected the premises and determined that such building, use, or occupancy complies with the provisions of the Village Code of Ordinances he or she understands to be applicable. Upon Such determination, the Building Inspector shall issue an Occupancy and Use Permit.

A survey reflecting all as-built improvements shall be submitted to the Building Inspector and filed with the Village Clerk before the issuance of an occupancy permit. Any changes between the approved construction and its location and final Construction or its location must comply with all applicable provisions of the Village Code of Ordinances; the Building Inspector may not issue an Occupancy and Use Permit until the construction is brought into compliance and a new Survey reflecting all as-built improvements is submitted.

A like permit shall be obtained before any change is made in the type of use or before any non-conforming use is resumed, changed or extended.

APPLICATION FOR. An Occupancy and Use Permit shall be applied for with the application for a Building Permit, and shall be accompanied by a statement by the applicant of the intended use of the premises or building. Within ten (10) days after the notification of the completion of the erection, alteration or relocation of the building or of intent to commence a use, the Building Inspector shall make an inspection of the building or premises and shall then issue an Occupancy and Use Permit if the building and the intended use thereof, or the proposed use of the premises comply with the requirements of this chapter.

TEMPORARY OCCUPANCY AND USE PERMIT. Pending the issuance of a regular permit, a temporary permit may be issued for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its permanent occupation. Such temporary permit shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants. A temporary permit shall be voided if the building fails to conform to the provisions of this Chapter to such a degree as to render it unsafe for the occupancy proposed.



FEE FOR OCCUPANCY USE PERMIT. No fee shall be charged for an original permit applied for coincidentally with the application for a building permit. For all other permits or for copies of any original permit there shall be a charge of one dollar (\$1.00) each.

### **APPEAL PROVISIONS**

**Appeal Rights:** Any person aggrieved, or any officer, department, or board of the (Village affected by a decision of an administrative officer may appeal such decision to a Board of Appeals as hereinafter established, provided such appeal be taken within a reasonable time, as provided by the rules of said Board of Appeals.

**Board of Appeals:**

**Establishment:** There shall be a Board of Appeals consisting of five (5) members appointed by the Village President, subject to confirmation by the Village Board, for terms of three (3) years, except that of those first appointed one shall serve for one (1) year, two for two (2) years and two for three (3) years. Vacancies shall be filled for the unexpired terms of members whose terms become vacant, The Village President may appoint, for a term of three (3) years, two (2) alternate members of such board, in addition to the five (5) members above provided for, who shall act with full power only when a member of the Board refuses to vote because of interest or when a member is absent. The above provisions with regard to removal and the filling of vacancies shall apply to such alternate.

**General Rules:**

The members of the Board of Appeals shall serve without compensation.

Members shall be removable by the Village President for cause upon written charges and after public hearing.

The Village President shall designate one of the members chairman and the Board of Appeals may designate such other officers and employ such employees as it feels necessary.

The Board of Appeals shall adopt rules governing its procedure consistent with the terms of this Ordinance.

**Meetings.** Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the Board and shall be a public record.

**Powers.** The Board of Appeals shall have the following powers as defined by Statute:

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of a Village of Lac La Belle Ordinance.

To hear and decide special exceptions to the terms of Village of Lac La Belle Ordinances upon which such Board is required to pass under the Ordinance.

To authorize upon appeal in specific cases such variances from the terms of a Village of Lac La Belle Ordinance as will not be contrary to the public interest, where owing to special conditions a literal

enforcement of the provisions of said Ordinance will result in practical difficulty or unnecessary hardship, and so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

The Board of Appeals may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for Such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

Additional Considerations. In making its determination the Board may consider whether the proposed exception, variance, or use would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of physical, social or economic effects; and may impose such requirements and conditions with respect to location, construction, maintenance and operation--in addition to any which may be stipulated in the Village of Lac La Belle Ordinance--as the Board may deem necessary for the protection of adjacent properties and the public interest and welfare.

Performance Standards. In order to reach a fair and objective decision the Board may utilize and give recognition to appropriate performance standards which are available in model codes or ordinances, or which have been developed by planning, manufacturing, health, architectural, and engineering research organizations.

Enforcement of Decision. In exercising the above-mentioned powers, the Board of Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and may make determination as ought to be such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit provided that no such action shall have the effect of permitting in any district a use prohibited in that district; of rezoning, or of permitting, without the approval of the Plan Commission, any building within the base setback area as established for said building's zoning district.

Required Vote. The concurring vote of four (4) members of the Board shall decision or be necessary to reverse any order, requirement, determination of any such which it is required to pass under this Ordinance, or to effect any variation there from. The grounds of every such determination shall be stated.

Further Appeal. Any person or persons aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, or board of the municipality may appeal from a decision of the Board of Appeals within thirty (30) days after the filing of the decision in the office of the Board of Appeals in the manner provided in Wis. § 62.23 (10).

Procedure.

Filing. A notice of appeal shall be filed with the officer from whom the appeal is taken and with the Board of Appeals, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Stay. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion,

cause imminent peril to life or property, In such cases where the officer certifies that, in his opinion, a stay would cause imminent peril to life or property, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a Court of record on application on due cause shown and on notice to the officer from whom the appeal is taken.

Hearing. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice of such hearing as well as to the parties in interest. Such public notice however shall require only posting as a Class I notice on a public bulletin board. Any party may appear in person, or by agent or by attorney representing him.

Decision. The Board of Appeals shall render its decision in writing within fifteen (15) days after completion of the hearing thereon.

Recording of Variance Required.

Any such variance granted shall be submitted by the applicant to the Waukesha County Register of Deeds for recording with the Title to the property.

Any variance that has not been submitted under **paragraph (1)** for filing within thirty (30) days of its issuance by the Board of Appeals shall be null and void. This section applies only to variances granted after March 23, 1989.

Variances submitted for recording shall indicate that, upon filing, the Register of Deeds shall return the original to the Village Clerk.

#### POWER OF PLAN COMMISSION TO GRANT CONDITIONAL USES.

Some of the Zoning districts established by this ordinance set forth a list of uses referred to as Conditional Uses. These are uses that have a particular impact on the surrounding area that cannot be pre-determined and controlled by general regulations. In order to ensure that these uses in their proposed locations would be compatible with surrounding development, their establishment shall not be as a matter of right but only after review and approval as hereinafter provided.

The Village Plan Commission may authorize the issuance of a conditional use permit for conditional uses after review, provided that such conditional uses and structures are in accordance with the purpose and intent of this ordinance and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

Application for conditional use permit. Application for conditional use permits shall be made in duplicate on forms furnished by the Village Clerk and shall include the following where pertinent and necessary for proper review by the Plan Commission:

Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor (when engaged), and all opposite and abutting property owners of record.

Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the Zoning district within which the subject site lies.

Plat of Survey prepared by a land surveyor registered in Wisconsin or other map drawn to scale and approved by the Building Inspector, showing the location, property boundaries, dimensions, uses, and size of the following: subject site: existing and proposed structures: existing and proposed easements, streets, and other public ways: off-street parking, loading areas, and, driveways; existing highway access

restrictions; existing and proposed street, side, and rear yards; and areas subject to inundation by floodwaters.

In Areas Subject to Inundation by floodwaters, the plat of Survey shall also include first floor elevations, utility elevations, historic and probable future floodwater elevations, depth of inundation, floodproofing measures, and plans for proposed structures, giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structures or its effects on flood flows. Where floodproofing is required, the applicant shall submit a plan or document certified by "a registered professional engineer or architect," that the floodproofing measures are adequate to withstand the flood forces and velocities associated with the one-hundred (100) year recurrence interval flood. Prior to the issuance of certificate of compliance, the applicant shall also submit a certification by the registered professional engineer that the finished floodproofing measures were accomplished in compliance with the provisions of this Ordinance.

In Addition. The plat of Survey shall show the location, elevation, and use of any abutting lands and their structures within forty (40) feet of the subject site; soil mapping unit lines, types and slopes, ground surface elevations; mean and historic highwater lines, on or within forty (40) feet of the subject premises, and existing and proposed landscaping when so required by the Plan Commission.

Additional Information. As may be required by the Village Board, Village Plan Commission, Village Engineer, or the Building Inspector.

Review and Approval. The Village Plan Commission shall review the site, existing and proposed structures, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation; also conditions such as landscaping, type of construction, construction commencement and completion dates, sureties, lighting. The Commission shall give due regard to the nature and condition of all adjacent uses and structures, and in authorizing such conditional uses may impose such requirements and conditions with respect to location, construction, maintenance and operation - in addition to those expressly stipulated in this Chapter for the particular conditional use as the commission may deem necessary for the protection of adjacent properties and the public interest: such conditional uses may not detract from the surrounding area.

Hearings. The Plan Commission shall fix a reasonable time and place for the hearing, publish a Class One (1) notice thereof and shall give due notice to the parties in interest. At the hearing the applicant may appear in person, by agent, or by attorney.

Notice to DNR. The Plan Commission shall transmit a copy of each application for a conditional floodland use to the Wisconsin Department of Natural Resources (DNR) for review and comment. Action on the application shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all floodland conditional use permits shall be transmitted to the DNR within ten (10) days of the effective date of such permit.

MINIMUM WIDTH OF LOTS HAVING LAKE ACCESS; EASEMENT PROHIBITED, PYRAMIDING PROHIBITED.

Objectives. Under the authority granted the Village in Wis. § 144.26 to regulate the lands under, abutting, and lying close to navigable waters, the following regulations have been created to further the maintenance of safe and healthful conditions along the shores of Lake Lac La Belle, to prevent and control water pollution, control building sites and the placement of structures and land uses, and to preserve the shore cover and natural beauty of Lake Lac La Belle for the general public. The following

regulations shall not be deemed to restrict in any manner any publicly owned access points to Lake Lac La Belle.

#### Pyramiding Prohibited.

Persons owning property on the shores of Lake Lac La Belle have the right to make reasonable use of the adjacent waters for purposes including, but not limited to, skating, fishing, Swimming, boating, and domestic purposes. However, overloading of the lake and shorelands can occur when a riparian owner retains his or her rights to use the lake while, at the same time, granting them in whole or in part to other persons. Pyramiding occurs when a residential lot is used in a manner which increases the number of persons who have access to the lake to a greater degree than would occur if a single-family riparian owner was using an individual residential lot fronting on the lake. One effect of pyramiding is to unduly intensify lake usage by owners of off-shore lots or residences utilizing a parcel of residential lake front land to gain access to the water. Pyramiding is hereby prohibited.

When more than one (1) person, family, or entity has an ownership interest in a parcel fronting on the lake which is zoned for use as a single-family residence, it shall be prohibited for any of the persons, parties or entities having an ownership interest therein to either utilize by themselves or allow another to utilize said property in any manner which provides access to Lake Lac La Belle from that property to persons, families, or entities to a greater degree than would otherwise result from single family riparian owners having single-family residential lots fronting on the water.

**Minimum Width of Lots Having Lake Access.** Notwithstanding any language contained in these ordinances to the contrary, no real estate shall be subdivided, re-platted, sold, or leased in any manner which would result in any individual parcel having frontage on Lake Lac La Belle which is less than the minimum width required for lots in that Zoning District.

**Easements Prohibited.** No person or entity having an ownership interest or leasehold interest in any parcel of residential property fronting on the lake shall grant an easement or enter into a licensing agreement with any person or persons which provides access to Lake Lac La Belle from that property. This sub-section shall not be deemed to preclude a lease agreement whereby a tenant is granted use of property for use as a single-family residence if said lease precludes recreational access to the lake by the owner or owners throughout the term of the tenancy.

### **PROPERTY MAINTENANCE**

**EXTERIOR BUILDING REQUIREMENTS.** No person, firm or corporation shall allow or permit any building, whether dwelling, non-dwelling or accessory, on their property to deteriorate or remain in a condition that is not in accord with the following provisions of this section:

**Street Numbers.** Each structure to which a street number has been assigned shall meet the requirements of this code.

**Structural Members.** All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

**Exterior Walls and Foundations.**

The exterior walls of every structure shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls, or to the occupied spaces of the building;

The foundation walls of every structure shall be maintained plumb, free from open cracks, weather tight, rodent proof, insect proof, and reasonably watertight, and shall be kept in a reasonably good state of maintenance and repair. The foundation elements shall adequately support the building at all points.

#### Roofs and Drainage.

The roofs and flashing of every structure shall be sound, tight and maintained so as to not leak, and all water shall be so drained and conveyed therefrom so as to not cause damage to the exterior walls, eaves, soffits, or foundations;

The gutters and down spouts on every structure, when provided, shall be adequately secured, kept free of obstruction and in a reasonable state of repair and function as designed.

#### Porches, Railings, Stairways, Deck Patios and Decorative Features.

Every outside stair, porch, deck, patio and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code and shall be kept in sound condition and good repair;

All cornices, belt courses, corbels, terra cotta trim, wall facing and similar decorative features shall be maintained in good repair with proper anchorage and in safe condition.

Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads as required by the building code and shall be maintained in good condition.

Overhang Extensions. All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition.

#### Chimneys and Towers.

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained in a structurally safe and sound condition and in good repair;

All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

#### Doors, Windows and Basement Hatchways.

Every exterior door, door frame, door hinge, door latch and basement hatchway shall be substantially tight and shall be kept in sound condition and repair. Exterior doors, when closed, shall fit reasonably well within the frame. Latches at all exterior doors to dwelling units shall tightly secure the door. Every basement hatchway shall be maintained to prevent the entrance of animals, rain and surface drainage water;

Every window sash shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes. Every window sash shall be in good condition and fit reasonably tight within its frame.

#### Paint and Other Preservatives.

If paint or other preservatives have been applied to an exterior surface, it shall be repainted, resurfaced or otherwise treated in a workmanlike manner when the paint or other preservatives is missing, flaking and peeling off or its condition is a seriously blighting influence on the surrounding property;

Siding not commonly intended or customarily used in a natural or exposed state shall be painted or sealed to prevent deterioration.

Accessory Structures. All accessory structures including but not limited to storage sheds, doghouses, flagpoles, kennels, playhouses, tree houses, barbecue pits and planters shall be maintained in good repair and in a clean and sanitary condition.

Vandalism and/or Dilapidation.

If it is found upon inspection of any vacated building within the Village that the building is in danger of vandalism and/or dilapidation by the weather or elements, the Village shall order the owner thereof to make the building secure against vandalism and/or dilapidation in a Workmanlike manner;

Damaged or vacant buildings need to be restored to comply with this code within the time set forth in the order from the Village;

Boarded up windows will not be allowed except in the case of fire, natural disaster or an emergency. In the case of an emergency, the boarded up windows will only be allowed for a three (3) month period.

Graffiti. Persons owning or otherwise controlling property cannot allow graffiti to be placed upon or remain on any permanent structure located on their property when the graffiti is visible from the street or other public or private property.

Insect Screens. In every door, window and other outside opening where screening is provided the Screens shall be tight fitting and of not less than sixteen mesh per inch and shall be kept in sound condition and repair.

Security Barriers.

Exterior Security Barriers. No security barrier shall be placed on the exterior of any portion of any facade of any enclosed building.

Interior Security Barriers -- Standards. All security barriers placed on the interiors of facades of enclosed buildings shall conform with the following standards:

If the security barrier was manufactured to be retractable, it shall remain retracted for the duration of the building occupants normal business hours or hours of operation.

The opacity to light of the security barrier shall not exceed twenty five percent (25%) at any time.

The security barrier and any associated enclosures or casings shall be of a color that matches, or painted to match, the mullion pattern or window or door surrounds.

The Security barrier shall comply with all applicable regulations of the Wisconsin Statutes and the Wisconsin Administrative Code.

The restrictions contained in paragraphs i. and ii. of this subsection shall not apply to a residential dwelling.

EXTERIOR PROPERTY REQUIREMENTS.

Exterior Property Areas. All exterior property areas shall be kept in a clean and sanitary condition; free from any accumulation of combustible or noncombustible material, debris and refuse.

Fences. All fences shall be properly maintained and kept in good repair or shall be removed. If paint or other preservatives have been applied to the exterior surface, it shall be repainted, resurfaced or

otherwise treated in a workmanlike manner when its condition is a seriously blighting influence on the surrounding property or neighborhood.

**Walking and Driving Surfaces.** Sidewalks, walks, drives, and other concrete, asphalt, bricked, graveled, stoned or similarly treated areas shall be kept in sound condition and good repair. Conditions resulting in dust, dirt, loose stones or other aggregate being repeatedly deposited upon the immediate adjacent public or private property shall be corrected.

**Lawn Areas.**

Lawn areas, where provided, shall not be allowed to deteriorate to such condition as to be a seriously blighting influence on the surrounding property or neighborhood, or the Village in general. The growth of grass or weeds in excess of six (6) inches in height or the maintenance of the property with a lack of vegetation which renders the yard areas unsightly and results in the diminution of the appearance of the property as compared with adjacent properties shall be considered a violation of the maintenance provision of this section;

Where lawn areas are not provided or have been removed such areas shall be landscaped with garden beds or other ground cover so as not to be a public nuisance or a serious blighting influence;

Whenever grass or lawn weeds on properties are six (6) inches or more in height, or if noxious weeds are present, or if the overgrowth of vegetation is such as to cause a seriously blighting influence, the Village may order the condition corrected within four days or other time limit set forth by the safety and building division. If the condition is not corrected within the specified time limit, the property maintenance inspector is empowered to cause such grass or lawn weeds to be cut, and the cost therefor shall be placed on the tax rolls as a special charge against the property.

**Natural Areas and Natural Gardens.** Natural areas and natural gardens shall be kept free of debris, refuse and noxious weeds.

**Erosion and Soil Runoff.** Whenever erosion of the soil causes the same to spill over onto the sidewalk, street or alley, the condition shall be corrected by the construction of a suitable retaining wall, grading, or sodding and/or the planting of grass or other suitable ground cover.

**Retaining Walls.** Retaining walls abutting public property when present, shall be structurally sound, and not be constructed or maintained in such a manner as to cause repeated flow of mud, gravel or debris upon any public way or street.

**Firewood.** Firewood is permitted to be stored in the exterior property areas when cut to fireplace or stove size lengths and neatly and tightly stacked.

**Compost Piles.** Compost piles or yard waste holding bins shall be permitted provided they are maintained in a manner that does not produce an odor, nuisance, nor provide a rodent harborage, nor shall they be allowed to deteriorate to such condition as to be a seriously blighting influence on the surrounding property or neighborhood or the Village in general. Compost piles must be located ten feet or more from any habitable structure. Compost piles may not be located in the front yard.

**Solid Waste and Recyclables.** Solid waste and recyclables shall be disposed of in compliance with the requirements of this code.

**Order to correct conditions and citation.**

**Order to Correct Conditions.** Whenever the Village, its agents or employees shall, upon inspection of



any premises within the Village, find the conditions of the premises are in violation of this code, an order shall be issued to the owner and/or occupant of the premises to correct said conditions.

Contents.

The order shall specify a time within which the owner and/or occupant shall comply there with;

The order shall also provide that if the owner and/or occupant is aggrieved by the order he may appeal to the board of appeals and request a hearing as hereinafter provided.

Service. The order shall be served on the owner and/or occupant, by delivering a copy of same to such occupant personally or by delivering the same to and leaving it with any adult, competent person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place near the entrance to the premises, or by regular mail.

Appeal Request. An owner and/or occupant aggrieved by an order as provided in this ordinance may appeal to the board of appeals within fifteen days after service of the order upon him and request a hearing.

Appeal Hearing. The board of appeals shall conduct a hearing in connection with this section within fifteen days after request for an appeal is submitted.

Failure to comply. In addition to other penalties provided for under this Chapter, upon failure to comply with an order provided by the Village under this section, where there is proof of service of said order, which requires that any building, premises, structure or property be cleaned or repaired, or condition abated or improved in accordance with this chapter, the Village Board may cause such cleaning, repair, improvement, abatement or removal of the offending substance or structure. Such cleaning, repair, improvement or removal shall be deemed a special benefit to such premises and the cost for the same shall be charged against the owner or owners of the property. If the cost of the same is not paid within sixty (60) days, it shall be levied as a special charge against the premises as authorized by Wis. § 66.0627.

## **SIGN REGULATIONS.**

General Sign Regulations. Given the predominantly residential nature of the Village of Lac La Belle, no person shall put up, erect, fasten, post, paint or maintain any sign, picture, poster, or advertisement of any description upon any curb, sidewalk, fence, board, post, pole, structure or building of any kind within the Village of Lac La Belle except as otherwise provided herein. No sign shall, after the effective date of the ordinance from which this chapter is derived, be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a permit except those signs excepted in **section (2) of this Section**. All signs shall be located, erected, constructed and reconstructed in conformity with the provisions of this Section. All signs requiring sign permits shall be subject to Plan Commission review.

Signs permitted in all districts without a sign permit. The following signs are permitted in all zoning districts without a permit, subject to the following regulations:

Real estate signs. Two (2) real estate signs per premises advertising the Sale, rental or lease of the premises upon which it is located in any district, provided that the total combined sign area of both signs does not exceed ten (10) square feet. All signs erected for advertising real estate must be constructed in a neat, workmanlike

Name and warning signs. Name and warning signs not to exceed an area of two (2) square feet and

located on the premises.

Bulletin boards. Bulletin boards for public charitable or religious institutions not to exceed an area of thirty-five (35) square feet and located on the premises.

Memorial signs. Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

Official signs. Official signs such as traffic control, parking restrictions, information and notices.

Temporary signs. Temporary signs, except election campaign signs, for a period not to exceed seven (7) days, but such time period may be extended when authorized by the plan commission.

Election campaign signs. Election campaign signs, provided that consent shall be obtained from the property owner, renter or lessee. No more than one campaign sign per office on the ballot is allowed on any property. Campaign signs shall be removed within seven (7) days following the election.

Signs permitted in residential districts with a sign permit.

Home occupation signs and professional home office signs provided, however, that applicants for these types of signs must meet the definition of the terms "home occupation" and "professional home offices" found in the Zoning Code.

Only one (1) sign per premises may be allowed. The sign shall not exceed an area of two (2) square feet and must not be illuminated. Two (2) off-premises directional signs. A maximum of two (2) off-premises directional signs for public, charitable or religious institutions provided that such signs do not exceed eight (8) feet in height or six (6) square feet in area; and further provided that the sign owner receives written consent from the owners of the property upon which the signs are located.

Signs permitted in non-residential districts with a sign permit.

Non-residential properties may contain only one sign not to exceed eight (8) feet in height or ten (10) square feet in area. Where one (1) non-residential business or enterprise is conducted on more than one parcel of property, only one (1) sign is allowed for the entire business or enterprise under this Section.

Two (2) off-premises directional signs. A maximum of two (2) off-premises directional signs for public, charitable or religious institutions provided that such signs do not exceed eight (8) feet in height or six (6) square feet in area; and further provided that the sign owner receives written consent from the owners of the property upon which the signs are located.

The sign shall be permanently affixed to the face of the building or to the ground, and shall not flash, pulsate, rotate or be affixed with moving appurtenances. Rooftop signs are prohibited.

Any sign illumination shall be so designed, located, shielded or hooded so as to prevent the casting of glare or direct light upon adjacent roadways, surrounding properties, or into the sky.

Any sign attached to a building shall not extend above the higher of the ceiling line or the top of a parapet wall.

Small signs adjacent to individual building entrances to identify individual buildings or to direct traffic may also be allowed which conform to the provisions of this section.

All signs must be architecturally and aesthetically compatible to other surrounding improvements.

Location of signs. To prevent damage or injury to persons or vehicles traveling on the public highway, no sign, other than official governmental signs, may be posted in any public right of way or affixed to any

street sign or utility pole. No sign shall be placed within five (5) feet of the edge of the street pavement or curb (when a curb is present) on public streets. Where no street pavement exists, there shall be a minimum setback of ten (10) feet from any property line.

Flashing Signs Prohibited. No sign shall be erected, located, or constructed that is animated by means of flashing, scintillating, blinking or traveling lights.

Wind pressure and dead load requirements. All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than forty (40) pounds per square foot of area; and, shall be constructed to receive dead loads as required in the building code or other ordinance.

Maintenance. The owner of property on which a sign is located shall keep such sign in good maintenance and repair which includes restoring, repainting or replacement of a worn or damaged legally existing sign to its original condition; and, shall maintain the premises on which the sign is erected in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds and grass.

#### YARD MARKERS

Definition and scope. Yard Markers refers to any sign, post, pole, stake, or other marker placed by a property owner, lessee, or agent thereof, at, or, within three (3) feet of the edge of the street pavement or curb on public streets, which is intended to alert motorists to the lawn area. This definition does not apply to mailboxes, mailbox posts, mailbox or newspaper enclosures, landscaping rocks, or vegetation, nor to temporary markers erected by surveyors, utility locators, or similar services. (Except as otherwise permitted by law, this sentence does not grant a license or permit to any party to place the items mentioned in this sentence within the Village right of Way. The Village assumes no liability with respect to any such items placed in the right of way.)

Findings. Yard Markers can be beneficial to motorists, property owners, and the Village as a whole; to the former, they can help motorists determine where the road ends and where private property begins, so they may stay on the road. To property owners, Yard Markers help keep their yards intact and prevent damage by veering motorists. Overall, Yard Markers help preserve the Village's aesthetic character and promote driver and pedestrian safety.

Yard Markers that are overly tall, or are made of inflexible materials, are detrimental to health, safety, and welfare. Such Markers have the potential to cause serious injury to cyclists and pedestrians, and property damage to vehicles. The purpose of this section is to prohibit the use of dangerous Yard Markers.

Regulation. Yard Markers may not be installed except under the following conditions:

Yard Markers, may not be installed at a rate more frequently than one (1) marker per twenty (20) linear feet of road frontage.

Yard Markers shall not have sharp edges or sharp protrusions. All Yard Markers must be constructed such that they easily bend or break away upon impact from a motorist, cyclist, or pedestrian.

Yard Markers shall not incorporate flashing, traveling, or pulsing lights.

Yard Markers shall not carry advertising messages.

The Village shall not be responsible for the loss or damage to any Yard Markers installed within the Village's Snow removal right-of-way, as referenced in **sec. 14.02** of the Village Code of Ordinances and described in Village Resolution No. 3778, dated March 19, 1990.

### **ANNEXATION TO VILLAGE.**

All new territory annexed to the Village shall automatically become part of the a Park and Public Lands District until definite district boundaries and regulations for such property are recommended by the Village Plan Commission and-adopted by the Village Board, provided, however, that the Village Board shall adopt definite Zone regulations for such districts within ninety (90) days of its annexation to the Village.

### **AMENDMENTS.**

The Village Board may from time to time on its own motion, or on recommendation of the Plan Commission, or on petition, after notice and public hearing the Village Board of Trustees, amend, supplement or change the boundaries of Districts or the regulations herein or which may be subsequently established.

In cases of protest against such change duly signed and acknowledged by the owners of twenty percent (20%) or more either of the areas of land included in such proposed amendment or change, or by the owners of twenty percent (20%) or more of the area of land immediately adjacent and extending five-hundred (500) feet there from, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending five-hundred (500) feet from the street frontage of such opposite land, such amendments, supplement or change shall not become effective except by the favorable vote of all members of the Village Board.

On all proposed amendments or changes the Village Board shall hold a public hearing, and notice thereof shall be given by posting the same not less than ten (10) days prior to the date of such hearing in three (3) public places within the Village.

### **METHOD OF GIVING NOTICE.**

Except as otherwise herein specifically provided, the notices herein required shall be given by the posting of such notices in the Village in three (3) public places at least ten (10) days before the date of public hearing. Such notices shall state the time and place of such public hearing and the purpose for which the hearing is held. Notices shall be mailed in a written form to all property owners with five-hundred (500) feet of the property that is the subject matter of the hearing.

### **ENFORCEMENT AND PENALTES.**

All provisions of this Chapter shall be enforced by the Village Building Inspector or Village Administrator under the direction of the Village-Board.

Any person who violates any provision of this Chapter shall be subject to a penalty as provided in sec. **15.04** of this Municipal Code.

### **FILNG FEES.**

General. The applicant for the amendment of a zoning ordinance or official map, for a conditional use permit, or for filing an appeal to the board of appeals shall pay the Village Clerk application fees as hereinafter required at the times specified. Said fees shall be required to provide for adequate investigation by the Village of Lac La Belle of proposed amendments, conditional use permits, and variances so as to defray the cost to the Village of said investigations and to promote the health, safety, morals, comfort, prosperity and general welfare of the Village of Lac La Belle.

Initial fee amount. All applicants for amendments of a zoning ordinance or official map or for filing an

appeal to the board of appeals shall pay an initial, non-refundable, fee of one hundred dollars (\$100.00) to the Village Clerk at the time of filing said application. All applicants for conditional use permits shall pay an initial, non-refundable, fee of five hundred dollars (\$500.00) to the Village Clerk at the time of filing said application. Said initial application fees shall be subject to adjustment as provided for in subsection (3) of this section.

#### Adjustments To Application Fees.

In General. In addition to the initial application fees set forth in this section, upon review of any request for the amendment of a zoning ordinance or official map, for a conditional use permit, or for filing an appeal to the board of appeals, the Village Board or Plan Commission may determine that, in order to adequately protect the interests set forth in subsection (1) of this section, professional assistance will be required to provide adequate assessment. Said professional assistance may include, but is not limited to, the services of engineers, planners, architects, attorneys, or other related professional experts. The actual expense of said professional assistance shall be paid by the applicant. The Village shall retain the right to select the source of the professional service to be provided.

Administrative and Legal Expenses. The applicant shall pay a fee equal to the cost of any legal, planning, administrative or fiscal work which may be undertaken by the village in connection with the application for the amendment of a zoning ordinance or official map, for a conditional use permit, or for filing an appeal to the board of appeals. Legal expenses may include, but are not limited to, expenses incurred by the Village due to services provided by the Village Attorneys (during or outside of Village Board or Plan Commission meetings) in connection with the application.

Engineering and Inspection Expenses. The applicant shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the application for the amendment of a zoning ordinance or official map, for a conditional use permit, or for filing an appeal to the board of appeals, including inspections required by the Village. The applicant shall pay a fee equal to the actual cost to the Village for such inspections as the Village Board deems necessary to assure that the proposal is in compliance with the plans, specifications, and ordinances of the Village or any other applicable governmental authority.

#### Time and amount of payment.

Upon determination by the Village Board, Board of Appeals, or Plan Commission that expenses enumerated in this subsection (3) will be incurred by the Village, an initial estimate of said costs shall be provided to the applicant by the Village Clerk. An amount equal to this initial estimate shall then be deposited by the applicant with the Village Clerk prior to any action being taken by the Village in connection with the application. The Village shall then apply the amount deposited towards the actual expenses connected with the application as they are incurred. Notwithstanding any contrary provisions contained within this Chapter, in the event that the requested monies are not received within ten (10) days, the Village shall take no action as to the application.

If the Village Board or Plan Commission determines that costs in excess of the initial amount deposited by the applicant will be incurred, additional funds shall be requested from the applicant by the Village Clerk to cover the additional expenses. Said additional fees shall be paid by the applicant within fifteen (15) days of notification by the Village Board or Plan Commission. In the event that said the Village Clerk does not receive additional fees within fifteen (15) days of said notification, notwithstanding any other provisions within this Chapter to the contrary, no further action shall be taken as to the application.

Following completion of the review by the Village, the actual cost of the application shall be determined and the difference, if any, shall be paid in full to the village Clerk by the applicant within fifteen (15) days. Any payment by the applicant in excess of the actual costs incurred in the review shall be remitted to the applicant. Upon request of the applicant the Village Clerk shall provide copies of invoices reflecting the actual costs incurred by the Village. Payment equal to the actual costs for review of the application shall be received before final action is taken by the Village as to the application.

#### **EROSION CONTROL.**

**AUTHORITY; PURPOSE.** This section is adopted pursuant to Wis. § 62.234 for the purpose of minimizing the amount of sediment and other pollutants carried by runoff from sites of construction or other land disturbing activities as enumerated in **sub. (3) below**.

#### **EROSION CONTROL PERMIT.**

Required. No landowner, land user or contractor shall, within the Village, commence any activity enumerated in **sub. (3) below** before obtaining an erosion control permit from the Building Inspector, with prior approval of the Village Engineer.

Application, Fee: Application for a permit shall be made on an application form provided by the Building Inspector and shall be accompanied by an erosion control plan in accordance with **Sub. (4) below**, a fees for services agreement pursuant to **Section 1.15** of the Village Code, and a fee established as follows which shall serve as an advance deposit towards the actual expenses or charges for professional services rendered to the applicant:

No charge, if the work to be done is not subject to **sub. (3)** below and is only to repair or restore land or improvements to their immediately preceding condition, with the need for repair or restoration being caused by an act of nature, all as determined by the Building Inspector.

New construction of residential, commercial, accessory buildings and additions: two-hundred dollars (\$200.00) review fee plus two-hundred dollars (\$200.00) inspection fee for the first one-half (1/2) acre containing disturbed land and one-hundred dollars (\$100.00) for each additional one-half (1/2) acre or portion thereof containing disturbed land.

Construction activity within twenty-five (25) feet of the ordinary high water mark of the Lake that is not encompassed in **(i) or (ii)**: two-hundred dollars (\$200.00) review see plus two-hundred dollars (\$200.00) inspection fee for the first one-half (1/2) acre containing disturbed land and one-hundred dollars (\$100.00) for each additional half (1/2) acre or portion thereof containing disturbed land.

Landscape features (decks, patios, etc.) not encompassed **in (i), (ii) or (iii)**: One-hundred dollars (\$100.00) review fee plus fifty dollars (\$50.00) inspection fee for each two-thousand (2,000) square feet or fraction thereof containing disturbed land.

All other activities requiring a permit: Two-hundred dollars (\$200.00) review fee for the first one-half (1/2) acre containing disturbed land and one-hundred dollars (\$100.00) review fee for each additional one-half (1/2) acre or part thereof containing disturbed land plus two-hundred dollars (\$200.00) inspection fee for the first one-half (1/2) acre of disturbed land and one-hundred dollars (\$100.00) inspection fee for each additional one-half (1/2) acre or part thereof containing disturbed land.

Grant or Denial of Permit. Upon receipt of a complete application containing all information required under **Sec. 8.29(2)(b)**, the Building Inspector shall forward the permit application and erosion control

plan to the Village Engineer. Within fourteen (14) working days after receipt of the application, the Village Engineer shall render his recommendation and the Village Building Inspector shall grant or deny the permit in conformity with the Village Engineers recommendation. No permit shall be granted, however, unless the Village Engineer shall have first found that the proposed work will not:

Adversely affect the environment, public health, safety or welfare; or

Violate any provision of the Village of Lac La Belle Code of Ordinances.

If the permit is denied, the Inspector shall enumerate the required additions or modifications to the erosion control plan. Upon satisfactory revision of the plan, the permit shall be issued.

Exceptions. A permit shall not be required for the following:

Agriculture Land Use. The use of land for planting, growing, cultivating and harvesting of crops and the pasturing or yarding of livestock.

State Projects. Any State funded or conducted activity that requires an erosion control plan at least as strict as the requirements of this section.

**SUBJECT LAND DISTURBING ACTIVITIES.** The land disturbing activities requiring a permit under **sub. (2) above** are as follows:

Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of one-thousand (1,000) square feet or more.

Those involving excavation or filling, or a combination thereof, affecting ten (10) cubic yards or more of dirt, sand or other excavation or fill material.

Those involving street, highway, road or bridge construction or reconstruction.

Those involving the laying or repair of underground pipe for a distance of three-hundred (300) feet or more.

Site dewatering that may create sediment control problems.

Any land disturbance within twenty-five (25) feet of the ordinary high water mark of the Lake that involves disturbance of more than ten (10) cubic yards of material or more than one-hundred (100) square feet of land.

#### **EROSION CONTROL PLAN.**

General. The Village hereby adopts the erosion control plan criteria, standards and Specifications that have been established by the Wisconsin Department of Natural Resources in its "Wisconsin Construction Site Best Management Practice Handbook" (as revised from time to time by the Wisconsin Department of Natural Resources). The erosion control plan shall include the following information:

Post-development topographic contours;

Pre and post-development flow paths;

Property lines;

All factors which may affect erosion control on and adjacent to the site;

Site plan drawn to scale designating the location of the most suitable erosion control devices so as to prevent sediment runoff to the greatest degree practical;

A timetable of land disturbing activities and the area involved in such activity;

Permanent procedures to be implemented to minimize sediment runoff.

Property owners may avoid the requirements of **sec. 8.29(4)(a)(i-vii)** by submitting an erosion control plan to the Zoning administrator that demonstrates that the proposed activities will not disturb more than three (3) cubic yards of dirt. Erosion control plans submitted under this section shall include a silt fence if the proposed activities will disturb a surface area greater than one-hundred (100) square feet. The Zoning Administrator shall determine whether an erosion control plan meets the requirements of **subsection (a)(viii)**. Property owners are only permitted to utilize the **subsection (a)(viii)** exemption once during a three (3) month period.

**Erosion Control Devices.** Erosion control devices shall include sedimentation basins, filter fences, straw bales and mulch, tarps, temporary and permanent seeding. Sodding, and channeling surface water around disturbed areas.

#### OTHER REQUIREMENTS.

**Waste and Material Disposal.** All waste and unused building materials, including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials, shall be properly disposed of and not allowed to be carried by runoff into a receiving channel or storm sewer system.

**Tracking.** Each site shall have gravel roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.

**Drain Inlet Protection.** All storm drain inlets shall be protected with a straw bale, filter fabric or equivalent barrier.

**INSPECTION.** The Building Inspector and/or the Village Engineer shall inspect the site as often as he deems necessary for the enforcement of this section.

#### ENFORCEMENT.

**Stop-Work Order.** The Building Inspector may post a stop-work order if:

Any land disturbing activity requiring a permit under this section is undertaken without a permit; or

The control plan, or any revised control plan, is not being implemented in a good faith or correct manner; or

A condition of the permit is not being met.

**Revision.** If, because of excessive rainfall or other abnormal conditions, the erosion control plan in place is inadequate to prevent sediment runoff, the Building Inspector shall order the permittee to install additional erosion control devices and provide a timetable for such installation.

**Permit Revocation.** If, within ten (10) days of the issuance of a stop-work order, any permittee does not cease the activity or comply with the control plan, the Building Inspector may revoke the permit.

**Correction Order.** In the event any person without a permit fails to obey a stop-work order or obtain a permit within ten (10) days, the Building Inspector may request the Village Attorney to obtain a correction order to compel compliance with the provision of this Chapter.

**Special Charge.** Ten (10) days after posting a stop-work order, the Building Inspector may issue a notice



of intent to the permittee or landowner or land user of his intent to compel compliance with applicable permits or provisions of law by undertaking work directly or through an agent or contractor. The Building Inspector may go on the land and commence the work after fourteen (14) days from issuing the notice of intent. The costs of the work performed by the Building Inspector shall be billed to the permittee or the landowner. In the event the permittee or landowner fails to pay the amount due, the Clerk-Treasurer shall enter the amount due on the tax rolls and collect as a special charge against the property, pursuant to Wis. § 66.0627.

APPEALS. Any person aggrieved by the grant or denial of a permit or any order issued by the Building Inspector may appeal to the Board of Appeals, pursuant to **sec. 8.18** of the Code of Ordinances.

PENALTY. Any person violating any provision of this section shall be subject to penalties as set forth in **sec. 15.04** of the Code of Ordinances and liable for the Villages actual costs of prosecution including actual attorneys fees. Each day a violation exists shall constitute a separate violation.

#### INTERIM EXTRATERRITORIAL ZONING

Pursuant to Resolution 720, which is incorporated herein by reference, and which was adopted on July 2, 2009, by the Board of Trustees of the Village of Lac La Belle to declare the Villages intent to exercise extraterritorial Zoning jurisdiction over a portion of the Town of Oconomowoc, Waukesha County, Wisconsin, the Village hereby establishes an interim Zoning ordinance for that area described therein and that has been depicted on the map as part of said resolution. That area so designated in the resolution is referred to herein as the ETZ Properties.

This interim zoning ordinance is hereby enacted to preserve the Zoning in the ETZ Properties in accordance with the Waukesha County zoning ordinance and official Zoning map as it exists on this date. The ETZ Properties are currently zoned, in part, C-1 Conservancy, P-I Public/Institutional, A-P Agricultural Preservation, EC Environmental Corridor and R-2 Residential. A copy of the relevant portions of the Waukesha County Zoning Ordinance, containing descriptions of the above Zoning districts, is attached hereto as **Exhibit B** and incorporated herein by reference. A copy of the relevant portions of the official Zoning map is attached hereto as Exhibit C and incorporated herein by reference.

Enforcement and administration of the zoning ordinance preserved by this interim ordinance, including, without limitation, approval of all conditional use permits and granting of all variances and appeals, shall be performed by the appropriate Village board, commission or officer, as designated in the Village of Lac La Belle Municipal Code. This interim zoning ordinance shall be effective no longer than two (2) years after its enactment, unless extended for one additional year upon recommendation of a Joint Extraterritorial Zoning Committee established under Wis. § 62.23 (7a)(c).

The Village of Lac La Belle Plan Commission shall promptly formulate tentative recommendations for the zoning district plan and regulations throughout the ETZ Properties pursuant to Wis. § 62.23 (7a).

When the Plan Commission is so engaged, a Joint Extraterritorial Zoning Committee shall be established and shall operate under the provisions of Wis. § 62.23 (7a)(c) through (g).

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

Chapter 9 – Building Code

Chapter 10 – Electrical Code

## Chapter 11 – Plumbing Code

### PURPOSE.

The purpose of this Ordinance is to promote the health, safety, and welfare of the public by establishing performance minimums for design, construction, alteration, use, and occupancy of buildings and parts thereof within the Village. Standards of the Americans Insurance Association or the National Fire Protection Association shall be used as guidelines in any area not covered in this Ordinance.

### APPLICATION

**New Buildings and Additions.** This Ordinance shall apply to all new buildings and structures and to additions to existing buildings and structures.

**Alterations.** This Ordinance shall apply to all alterations in any building or structure which affects the structural strength, fire hazards, exits or lighting of any new or existing building or structure. This Ordinance shall not apply to ordinary nonstructural changes or minor repairs necessary for the maintenance of any building or structure.

### FIRE PREVENTION AND INSPECTIONS.

**Fire Chiefs to be Fire Inspectors.** The Fire Chiefs of the various fire departments contracting with the Village for fire protection services shall be the Fire Inspector and may appoint one or more deputy Fire Inspectors, who shall perform the same duties and have the same powers as the Fire Inspector.

#### Duty of Inspection.

**Inspections Required.** Each Fire Inspector shall inspect semi-annually all public buildings, premises and public thoroughfares and places of employment within that portion of the Village lying in the fire protection service area of the respective departments, to note and cause to be corrected any conditions liable to cause fires. Repairs or alterations necessary to remove a hazardous condition shall be made within a reasonable time at the owner's expense. The inspector shall also investigate the store and handling of explosives and flammable liquids within the inspector's respective fire service area.

**Special Inspection Warrant.** If consent to entry to properties which are not public buildings, or to portions of public buildings which are not open to the public, has been denied, the Fire Inspector shall obtain a special inspection warrant under § 66.0119, Wis. Stats.

**Records and Reports of Inspections.** Fire Inspections shall keep a written record card of each property inspected which shall conform to the requirements of the State of Wisconsin, and shall make the semi-annual report of inspections required by such department.

**Correction of Fire Hazards.** When any inspection by a Fire Inspector or his deputy reveals a fire hazard, the inspector or deputy may serve a notice in writing upon the owner of the property, giving such owner a reasonable time in which to remove the hazard. Failure of the owner to comply with said notice is a violation of this fire prevention chapter. If the fire hazard is not removed within the time allowed, it shall be deemed a nuisance; and the Fire Inspector or Deputy may request that the Village take such action as is reasonably necessary to have the same removed, and the cost of such removal shall be recovered in an action by the Village against the owner of the property and may also be entered on the tax roll as a special charge against the property.

Compliance With Fire Inspector. No person shall deny the Fire Inspector or his deputy free access to any property, within the Village at any reasonable time to make fire inspections. No person shall hinder or obstruct the Fire Inspector in the performance of the inspector's duty or refuse to observe any lawful direction given by an Inspector or deputy.

Fire Inspection Costs and Expenses. All costs and expenses incurred by the Village as the result of an inspection authorized under this Chapter or applicable State Statute or Administrative Code provision shall be reimbursed to the Village by the owner of the property that was inspected. Costs and expenses due in accordance with this provision shall be a debt due to the Village. If the debt is not paid within twenty (20) days after notice of the costs and expenses is given to the property owner, it shall be deemed delinquent. There shall be an added penalty of three (3) percent of the amount of the costs and expenses for every week the payment to the Village is delinquent. Charges and penalties shall constitute a lien upon the property services and be recorded on the Village's tax roll. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

#### STATE AND FEDERAL CODES ADOPTED.

State Fire Prevention Manual Adopted. The Wisconsin Fire Prevention Manual detailing provisions for the prevention of fire is adopted and by reference made a part of this chapter as if fully set forth herein.

State and Federal Codes Adopted. The following provisions of OSHA, the Wisconsin Administrative Code and regulations of the State Department Commerce Relating to Fire Prevention, and as amended from time-to-time, are made a part of this Ordinance by reference:

Enumerated. The following chapters of the Wisconsin Administrative Code relating to fire protection and prevention, as amended from time-to-time, are adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any chapter of the Wisconsin Administrative Code incorporated herein by reference is required or prohibited by this section.

Ch. COMM 7 Explosive Materials

Ch. COMM 14 Fire Prevention

Ch. COMM 15 Cleaning and Dyeing

Ch. COMM 10 Flammable and Combustible Liquids

Ch. COMM 11 Liquefied Petroleum Gases

Ch. COMM 50-64 Buildings and Structures; Energy Conservation; and Heating, Ventilating, and Air Conditioning; Fuel Gas Appliances; and Uniform Multi-Family Dwelling Code.

Occupational Safety and Health Administration Sections.

1910.157, Portable Fire Extinguishers.

1910.156, Definitions Applicable to this Subpart.

12.05 – 12.15 RESERVED.

CONFLICTING PROVISIONS.

In case of a conflict between the provisions of this chapter or between this chapter and existing Village ordinances, the strictest provision shall apply.

#### VIOLATION.

Any act required to be performed or prohibited by the State Fire Prevention Manual, OSHA requirements, the Wisconsin Administrative Code or regulations of the State Department of Commerce are required or prohibited by this Ordinance.

#### ENFORCEMENT.

The Fire Inspectors shall enforce the regulations of this chapter and all other laws, lawful orders and ordinances relating to fire prevention and shall have the authority to issue citations for violations of this Chapter. Enforcement shall be in cooperation with the Building Inspector who may also enforce this chapter of the Village Code of Ordinances through the issuance of citations. In addition the Fire Inspectors and/or the Building Inspector may, with the assistance of the Village Attorney seek injunctive relief to abate violations of this Chapter.

#### PENALTY.

Any person who shall violate any provision of this chapter shall be subject to penalties as provided in § 15.04 of this Code.

#### BOATING REGULATIONS.

##### GENERAL PROVISIONS.

Intent. The intent of this Ordinance is to provide safe and healthful conditions for the enjoyment of the aquatic recreation consistent with public rights and interest and the capability of the water resources of Lac La Belle located in the Village of Lac La Belle.

Applicability and Enforcement. The provisions of this Section shall apply to the waters of Lac La Belle within the jurisdiction of the Village of Lac L Belle. The provisions of this Ordinance shall be enforced by law enforcement officers having jurisdiction on the waters of Lac La Belle.

State Boating and Water Laws Adopted. The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and relating water activities and safety as found in Sections 30.50 to 30.71, Wis. Stats., exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and, by reference, made a part of this Ordinance. Any future amendments, revisions, or modifications of the statutory regulations incorporated herein are intended to be made part of this Ordinance.

##### MISCELLANEOUS BOATING REGULATIONS.

Safe Operation Required. No person shall operate, direct, or handle any watercraft in such a manner as to unreasonably annoy, frighten, or endanger the occupants of his/her or other boats.

Right-of-way at Docks, Piers, and Wharves. Boats leaving or departing from any pier, dock, or wharf shall have the right-of-way over all other watercraft approaching such dock, pier, or wharf.

Littering and Polluting Prohibiting. No person shall directly or indirectly deposit, place, or throw any can, paper, debris, refuse, garbage, solid waste, or liquid waste into the water of Lac La Belle.

Continuous Circles Prohibited. No person shall repeatedly operate or use any motor boat or personal watercraft in a circuitous course with a diameter of less than 200 feet at a speed in excess of slow-no-wake.

#### NIGHTTIME LAKE SPEED LIMIT.

No person shall operate a motor boat on Lac La Belle at a speed in excess of 10 mph between sunset one day and sunrise on the following day.

#### EMERGENCY SLOW NO WAKE AT TIMES OF HIGH WATER.

#### Definitions.

“High Water” means when the waters of Lac La Belle exceed 2.80 feet measured at the fourth bay from West Wisconsin Avenue down from the top of the existing concrete abutment of the Lac La Belle Dam (outlet of Lac La Belle). This represents an elevation that is 8’ above normal summer water levels. Upon reaching and/or exceeding this level for 24 hours, a Slow No Wake condition will automatically be in effect. The Slow No Wake requirement will automatically be removed when the elevation is at or below 2.97 feet, 6 feet above normal summer water levels. Under all other circumstances, either the Mayor of the City of Oconomowoc, Town Chairman of the Town of Oconomowoc or Village President of the Village of Lac La Belle by a 2/3 vote may make a high water declaration.

“Slow no wake” has the meaning specified in Sec. 30.50(12), Wis. Stats.

“Motor boat” has the meaning specified in Sec. 30.50(6), Wis. Stats.

Slow No Wake Speed Required. No person shall operate a motor boat at a speed in excess of slow no wake on Lac La Belle for a period commencing two hours after a high water condition has been declared until the declaration of a high water condition is repealed.

Notice. Notice of a high water condition shall be posted at the public launch site and by publication of a notice in both the “Oconomowoc Enterprise” and “Focus” and by public service announcements on radio and television. Posted notice shall state the time of the declaration of a high water condition.

Posting Requirements. Ordinance Section No. 13.03 shall be posted at all public boat launching sites on Lac La Belle.

Criteria to Become Effective. Ordinance Section No. 13.03 shall not become effective unless the City of Oconomowoc, the Town of Oconomowoc, and the Village of Lac La Belle having jurisdiction over the lake, have enacted identical ordinances, or unless at least 2 of said municipalities having jurisdiction over the lake have enacted identical ordinances, and at least 60 percent of the footage of shoreline of the lake is within the boundaries of the enacting municipalities.

Money Deposits. Any officer arresting a person for violation of a provision of this section who is unable to bring the person arrested before a court of appropriate jurisdiction without unnecessary delay shall

permit such person to make a money deposit as provided by law. Such deposit shall be made to the Chief of Police.

13.04 – 13.09 RESERVED.

PENALTIES.

Violations of Section 13.01(1).

Violators of section 13.01(1) of this Chapter shall be subject to the Wisconsin State Boating penalties as found in Sec. 30.80, Wis. Stats., as amended from time-to-time, which are adopted by reference and are applicable to violations of that Section.

Violations of Section 13.01(2) through 13.02; and 13.04 through 13.09.

Violators of sections 13.01(2) through 13.02 and 13.04 through 13.09 of this Chapter shall be subject to penalties as set forth in Section 15.04 of this Code.

Violations of Section 13.03 shall be subject to a forfeiture if not less than \$1.00 or more than \$200.00 together with the costs of prosecution and in default of payment thereof shall be imprisoned in the county jail 1 day for each \$25.00 owed.

SAGER AVENUE AND PENNSYLVANIA AVENUE.

The public right-of-way for Sager Avenue and Pennsylvania Avenue as they exist within the Village shall extend to 24 ¾ feet on either side of the respective quartersection and section lines and approximate centerline, of the existing pavement of said streets, as the location of said existing pavement has been mapped by the village engineer on Exhibit A (attached and incorporated herein by reference). The right-of-way for Sager Avenue shall not extend south beyond the northern boundary of the intersection of Sager Avenue and Lac La Belle Drive.

LAC LA BELLE DRIVE.

Except as stated otherwise in this paragraph or by separate written instrument, the public right-of-way for Lac La Belle Drive shall extend 10 feet on either side of the centerline of the existing pavement of said street as the location of the existing pavement has been mapped by the village engineer and shown on Exhibit A and description in Exhibit B. For that portion of Lac La Belle Drive that abuts the east boundary of Monastery Hill Estates subdivision, the public right-of-way shall extend 30 feet west of the centerline and 10 feet east of the centerline of the existing pavement of said street as it has been mapped on Exhibit A and description in Exhibit B. For that portion of Lac La Belle Drive abutting the north and west boundaries of Monastery Hill Estates subdivision and lot 8 of Seavern Subdivision, the public right-of-way shall be 20 feet wide as recorded on the plats of Monastery Hill Estates and the Replat of Part of Lot 8 G.A. Seavern Subdivision. For that portion of Lac La Belle Drive that abuts the boundary line between Waukesha County and Jefferson County (from Mary Lane north to where Lac La Belle Drive turns east) the public right-of-way in the Village shall extend 33 feet East of this section line and approximate centerline of the existing pavement of said street as it has been mapped on Exhibit A. For all portions of

Lac La Belle Drive except: (1) that portion that abuts the north and west boundaries of Monastery Hill Estates subdivision; (2) the western side of that portion that abuts the east boundary of Monastery Hill Estates subdivision, (3) that portion within the Replat of Part of Lot 8 G.A. Seavern Subdivisions, and (4) that portion on the western Village limit that abuts Jefferson County, the Village also retains an easement solely for the purposes of installing, repairing and maintaining drainage facilities (ditches, storm sewers, culverts, etc.) and public utilities and depositing snow. Said easement shall extend 5 feet beyond each side of the right-of-way described in this paragraph.

#### DETERMINE OF RIGHT-OF-WAYS.

The location of the right-of-ways and easements described in this chapter shall be conclusively determined by Exhibit A and B.

#### SUBDIVISION RIGHT-OF-WAYS.

All public streets within Monastery Hill Estates and any future subdivisions shall have minimum 60 feet right-of-ways subject to Village review and approval.

#### EXHIBIT B – LEGAL DESCRIPTIONS

1 OF 3

A 20.00 foot wide road right-of-way over and across parts of the NW ¼ and SW ¼ of Section 19 and NW ¼ of Section 30, all in T8N, R17E, Village of Lac La Belle, Waukesha County, Wisconsin, the centerline of which is more fully described as follows:

Commencing on at a meander corner on the East line of the NW ¼ of said Section 19; thence N.00°-40'-11"W., along the East line of said NW ¼, 41.71 feet to the centerline of the hereinafter described 20.00 foot right-of-way; said point lying S.00°-40'-11"E., along said West line, 2518.51 feet from the North ¼ corner of said Section 19; thence along said centerline on the following described courses, S.69°-00'-00"W., 112.89 feet to a point of curvature; thence 393.28 feet, along the arc of a curve to the left, with a radius of 2000.00 feet; whose chord bears S.63°-22'-00"W., 392.65 feet to a point of tangency; thence S.57°-44'-00"W., 163.81 feet to a point of curvature; thence 303.92 feet, along the arc of a curve to the left, with a radius of 1600.00 feet; whose chord bears S.52°-17'30"W., 303.46 feet to a point of tangency; thence S.46°-51'00"W., 192.14 feet to a point of curvature; thence 133.58 feet, along the arc of curve to the left, with a radius of 975.00 feet; whose chord bears S.42°-55'-30"W., 133.48 feet to a point of tangency; thence S.39°-00'-00"W., 329.76 feet to a point of curvature; thence 257.12 feet, along the arc of a curve to the left, with a radius of 692.72 feet; whose chord bears S.28°-22'-00"W., 255.65 feet to a point of reverse curvature; thence 112.72 feet, along the arc of a curve to the right, with a radius of 623.00 feet; whose chord bears S.22°-55'-00"W., 102.57 feet to a point of tangency; thence S.28-06'-00"W., 90.70 feet to a point of curvature; thence 114.19 feet, along the arc of a curve to the left, with a radius of 560.00 feet; whose chord bears S.22°-15'-30"W., 113.99 feet to a point of tangency; thence S.16°-25'-00"., 88.34 feet to a point of curvature; thence 130.84 feet, along the arc of a curve to the left, with a radius of 520.00 feet; whose chord bears S.09°-12'-30"W., 130.50 feet to a point of tangency; thence S.02°-00'-00" W., 59.3 feet to a point of curvature; thence 174.38 feet, along the arc of curve to the right, with a radius of 2060.00 feet; whose chord bears S.04°-25'-30"W., 174.32 feet to a point of tangency; thence S.06°-51'-00"W., 113.85 feet to a point of curvature; thence 183.33 feet, along the arc of a curve to the left, with a radius of 1070.00 feet; whose chord bears S.01°-56'-30"W., 183.10 feet to a

point of tangency; thence S.02°-58'-00"E., 399.80 feet to a point; thence S.00°-17'-00"W., 74.51 feet to a point of curvature; thence 109.55 feet, along the arc of a curve to the right, with a radius of 70.00 feet; whose chord bears S.45°-07'-00"W., 98.71 feet to a point of tangency; thence S.89°-57'-00"W., 566.00 feet to the SW corner of the SW ¼ of Section 19, T8N, R17E, and the terminus of said centerline.

2 OF 3

Also as 20.00 foot wide road right-of-way over and across the NE ¼ and SE ¼ of Section 19, T8N, R17E, Village of Lac La Belle, Waukesha County, Wisconsin, the centerline of which is more fully described as follows:

Commencing at a meander corner on the West line of the NE ¼ of said Section 19; thence N.00°-40'-11"W., along the West line of said NE ¼, 41.71 feet the centerline of the hereinafter described roadway; said point lying S.00°-40'-11"E., along said West line, 2518.51 feet from the North ¼ corner of said Section 19; thence along said centerline on the following described courses. N.69°-00'-00"E., 44.75 feet to a point of curvature; thence 283.76 feet, along the arc of a curve to the right, with a radius of 1045.54 feet, whose chord bears N.76°-46'-30"E., 282.89 feet to a point of compound curvature; thence 68.02 feet, along the arc of a curve to the right, with a radius of 556.75 feet; whose chord bears N.88°-43'-00"E., 67.98 feet to a point of tangency; thence S.88°-27'-00"E., 196.84 feet to a point of curvature; thence 312.62 feet, along the arc of a curve to the right, with a radius of 1100.00 feet; whose chord bears S.70°-18'-30"E., 311.57 feet to a point of tangency; thence S.72°-10'-00"E., 99.11 feet to a point of curvature; thence 349.52 feet, along the arc of a curve to the right, with a radius of 1226.10 feet; whose chord bears S.64°-00'-00"E., 38.34 feet to the point of compound curvature; thence 123.49 feet, along the arc of a curve to the right, with a radius of 491.90 feet, whose chord bears S.48°-38'-30"E., 123.16 feet to a point of tangency; thence S.41°-27'-00"E., 87.16 feet, more or less to the terminus of said centerline; said terminus point being on the westerly line of the subdivision of the replat of part of Lot 8 of G.A. eaverns Subdivision.

3 OF 3

A 20.00 foot wide roadway (excluding those lands lying outside the Village Limits and in the Town of Oconomowoc) over and across parts of the SE ¼, SW ¼ and NW ¼ of Section 20 and part of the NE ¼ of Section 19, all in T8N, R17E. Village of Lac La Belle, Waukesha County, Wisconsin, more fully described as follows:

Commencing at a meander corner on the South line of the SE ¼ of said Section 20; thence N.89°-13'-36"E., along the South line of SE ¼, 100.88 feet to the beginning of the hereinafter described centerline of the 20.00 foot road right-of-way (excluding those lands lying outside the Village Limits and in the Town of Oconomowoc); said point lying S.89°-13'-36"W., along said South line, 2304.20 feet from the SE corner of said Section 20, and said point being a point of curvature; thence along said centerline on the following described courses; thence 172.96 feet, along the arc of curve to the right, with a radius of 264.10 feet; whose chord bears N.72°-00'-42"W., 169.89 feet to a point of reverse curvature; thence 171.59 feet, along the arc of a curve to the left, with a radius of 499.70 feet; whose chord bears N.63°05'-15"W., 170.75 feet to a point of reverse curvature; thence 223.58 feet, along the arc of a curve to the right, with a radius of 2618.72 feet; whose chord bears N.70°-28'-45"W., 223.51 feet to a point of tangency; thence N.68°-02'-00"W., 455.37 feet to a point of curvature; thence 188.54 feet, along the arc of a curve to the left, with a radius of 331.20 feet; whose chord bears N.84°-20'-30"W., 186.01 feet to a



point of tangency; thence S.79°-21'-00"W., 47.82 feet to a point of curvature; thence 136.09 feet, along the arc of a curve to the right, with a radius of 304.00 feet; whose chord bears N.87°-49'-30"W., 134.96 feet to a point of tangency; thence N.75°-00'-00"W., 122.30 feet to a point; thence N.71°-25'-00"W., 106.66 feet to a point of curvature; thence 100.27 feet, along the arc of a curve to the right, with a radius of 220.54 feet, whose chord bears N.58°-23'-30"W., 99.41 feet to a point of compound curvature; thence 217.15 feet, along the arc of a curve to the right, with a radius of 648.00 feet; whose chord bears N.35°-46'-00"W., 216.13 feet to a point of tangency; thence N.26°-10'-00"W., 172.91 feet to a point of curvature; thence 189.01 feet, along the arc of a curve to the left, with a radius of 395.00 feet; whose chord bears N.49°-52'-30"W., 187.31 feet to a point of tangency; thence N.53°-35'-00"W., 107.25 feet to a point; thence N.54°-32'-00"W., 659.68 feet to a point of curvature; thence 183.38 feet, along the arc of a curve to the left, with a radius of 800.00 feet; whose chord bears N.61°-06'-00"W., 182.97 feet to a point of tangency; thence N.67°-40'-00"W., 169.73 feet to a point of curvature; thence 494.81 feet, along the arc of a curve to the right, with a radius of 358.545 feet; whose chord bears N.28°-07'-55"W., 456.47 feet to a point of tangency; thence N.11°-24'-10"E., 374.839 feet to a point of curvature; thence 192.28 feet, along the arc of a curve to the left, with a radius of 283.696 feet; whose chord bears N.08°-00'-51.5"W., 188.625 feet to a point of tangency; thence N.27°-25'-53"W., 431.996 feet to a point of curvature; thence 127.626 feet, along the arc of a curve to the right, with a radius of 273.167 feet; whose chord bears N.14°-02'-48.5"W., 126.469 feet to a point of tangency; said point being on the West line of the NW ¼ of said Section 20 and said point lying N.00°-39'-44"W., along said West line, 310.215 feet from the West ¼ corner of said Section 20; thence N.00°-39'-44"W., along said West line, 239.785 feet to the NE corner of Monastery Hills Estates, a subdivision.

#### RULES OF CONSTRUCTION.

In the construction of this Code of general ordinances, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance.

Wisconsin Statutes. The term Wisconsin Statutes wherever used in this Code shall mean the Wisconsin statutes for the years 2003-2004, and as subsequently amended from time-to-time.

Gender. Singular and Plural. Every word in this Code and in any ordinance importing the masculine gender may extend and be applied to females as well as males, and every word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided that these rules of construction shall not be applied to any provisions which shall contain any express language excluding such construction or when the subject matter or context of such provisions may be repugnant thereto.

Person. The word "person" extends and applied to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.

Acts of Agents. When a provision requires an act to be done which may by law as well be done by an agent as by the principle, such requirement shall be construed to include all, such acts when done by an authorized agent.

#### CONFLICT AND SEPARABILITY.

**CONFLICT OF PROVISIONS.** If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.

**SEPARABILITY OF CODE PROVISIONS.** If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Board hereby declares that they would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

**CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE.**

Whenever in this Code any standard, code, rule, regulation or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the Clerk shall file, deposit and keep in his or her office a copy of the Code, standard, rule, regulation or other written or printed matter as adopted unless it is otherwise readily available to the public as a published document. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the Clerk's office hours, subject to such orders or regulations which the Clerk may prescribe for their preservation.

**PENALTY PROVISIONS.**

**GENERAL PENALTY.** Any person who shall violate any of the provisions of this Code shall upon conviction of such violation, be subject to a penalty, which shall be as follows:

**First Offense – Penalty.** Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$1,000.00 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail in accordance with Wis. Stat. § 800.095.

**Second Offense – Penalty.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not less than \$150.00 nor more than \$2,000.00 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the county jail in accordance with Wis. Stat. § 800.095.

**CONTINUED VIOLATIONS.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

**OTHER REMEDIES AVAILABLE.** Establishment of forfeitures for violation of this Code shall, in no way, be construed to preclude the Village from pursuing any other remedy available in equity or at law to prevent, punish and/or enjoin violation of this Code.

**EXECUTION AGAINST DEFENDANT'S PROPERTY.** Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the Village, the court

may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture costs.

TITLE: EFFECTIVE DATE: CITATION.

These ordinances shall be known as the "Code of Ordinances for the Village of Lac La Belle" and shall take effect from and after passage and publication as provided in sec. 66.0103, Wis. Stats. All references thereto shall be cited by section number (example: section 13.06, Code of Ordinances for the Village of Lac La Belle).

CITATIONS.

Pursuant to the authority of § 66.0113, Wis. Stats., the Village Board hereby authorizes the use of a citation to be issued for violations of ordinances including ordinances for which a statutory counterpart exists.

The citation shall contain the following:

The name and address of the alleged violator;

Factual allegations describing the alleged violation;

The time and place of the offense;

The section of the ordinance violated;

A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so;

The time at which the alleged violator may appear in court;

A statement which in essence informs the alleged violator that:

A cash deposit based on the schedule established by this section may be made which shall be delivered or mailed to the Clerk of the Municipal Court prior to the time of the scheduled court appearance.

If a cash deposit is made, no appearance in court is necessary unless subsequently summoned.

If a cash deposit is made and the alleged violator does not appear in court, the nonappearance will be deemed a plea of no contest for which a forfeiture not to exceed the amount of the deposit is submitted or, if the court does not accept the plea of no contest, a summons will be issued ordering the alleged violator to appear in court to answer the complaint.

If not cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture up to the maximum permitted by law.

If the court finds that the violation an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment, or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under § 800.093, Wis. Stats. [Added 12-11-00].

A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under Subsection 2(g) above has been read. Such statement shall be sent or brought with the cash deposit.

Such other information as the Village deems necessary.

Schedule of deposits.

The schedule of cash deposits set forth in the attached Exhibit A is established for use with citations issued under this Section.

Deposits shall be made to the Clerk of the Municipal Court in cash, money order, certified check, or such other form acceptable to the Clerk of Courts, who shall provide a receipt therefore.

Issuance of citations

Any law enforcement officer may issue citations for enforcement of any ordinances authorized under this section.

The Village Attorney is hereby authorized to issue citations for enforcement of all ordinances for which use of a citation is authorized under this Section.

The provisions of § 66.0113(3), Wis. Stats., relating to the violator's options and procedure on default are hereby adopted and incorporated herein by reference.

Adoption of this section shall, in no way, preclude the adoption of any other ordinance providing for the enforcement of any other law or ordinance relating to the enforcement of ordinances or any other matter. The issuance of a citation under this Chapter shall not be deemed to preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this Chapter.

Exhibit A – Deposit Schedule – See Village of Lac La Belle Clerk.

**MUNICIPAL COURT CREATED.**

There is hereby created and established a Municipal Court under the provisions of Chapter 755 of the Wisconsin Statutes to be designated as "Municipal Court for the City of Oconomowoc, the Town of Oconomowoc, and the Town of Merton, and the Town of Summit, and the Village of Hartland, and the Village of Oconomowoc Lake, and the Village of Chenequa, and the Village of Lac La Belle, and the Village of Merton, and the Village of Nashotah, or so many of those municipalities which enacted an ordinance identical to this ordinance pursuant to Sec. 755.01(4) Wis. Stats.

**MUNICIPAL JUDGE.**

Such court shall be under the jurisdiction of and presided over by a municipal Judge, who shall be an attorney licensed to practice law in Wisconsin, and who shall reside in one of the following municipalities: City of Oconomowoc, Town of Oconomowoc, Town of Merton, Town of Summit, Village of Hartland, Village of Oconomowoc Lake, Village of Chenequa, Village of Lac La Belle, Village of Merton, or

Village of Nashotah, or those municipalities which enact an ordinance identical to this ordinance and enter into an agreement pursuant to Sec. 66.30 Wis. Stats., for the joint exercise of the power granted under 755.01 Wis. Stats. Such Municipal Judge shall be elected at large in the spring election for a term of two (2) years commencing on May 1. The first Municipal Judge of this court shall be elected for a term commencing May 1, 1988. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Section 8.10, Wis. Stats. The Board of Trustees of the Village of Chenequa shall provide for a primary election whenever three (3) or more candidates file nomination papers for such primary election shall be held on the third Tuesday of February as provided in 5.02(22) Wis. Stats.

#### ELECTIONS.

The Municipal Clerk of each municipality shall see to the compliance with Statues 5.58(1c), 5.60(1)(b), 5.60(2), 7.10(1)(a), 7.60(4)(a) and 8.10(6)(a) to provide for the election of a Municipal Judge under § 755.01(4) Wis. Stats.

#### OATH AND BOND.

The Judge shall, after his election or appointment to fill a vacancy, take and file the official oath as prescribed in Section 757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$5,000.00. The Judge shall not act until his oath and bond have been filed as required by Section 19.01(4)(c) Wis. Stats., and the requirements of Section 755.03(2) have been complied with.

#### SALARY.

The salary of the Municipal Judge shall be fixed by the governing bodies of the municipalities that created and established this Municipal Court, which shall be in lieu of fees and costs. No salary shall be paid for any time during his term during which such Judge has not executed his official bond or official oath, as required by Section 755.03, Wis. Stats., and filed pursuant to Section 19.01(4)(c) Wis. Stats. The municipalities may by separate ordinances, resolutions, or through the budget process, allocate funds for the administration of the Municipal Court pursuant to Section 66.30.

#### JURISDICTION.

The Municipal Judge of the Municipal Court shall have such jurisdiction as provided by Sections 755.045 and 755.05 Wis. Stats., and as otherwise provided by State Law. The Municipal Judge is authorized to issue inspection warrants under Sections 66.122 and 66.123 Wis. Stats.

#### LOCATION AND HOURS.

The Municipal Court shall be held in the Council Chambers of the City of Oconomowoc City Hall at 173 E. Wisconsin Avenue, Oconomowoc, Wisconsin. The Municipal Court shall be open at such times as determined by the Municipal Judge.

#### FINES AND FORFEITURES.

The Municipal Judge may impose punishment and sentences as provided by Section 800.09, Wis. Stats., and as provided in the ordinances of the following municipalities: City of Oconomowoc, Town of Oconomowoc, Town of Merton, Town of Summit, Village of Hartland, Village of Oconomowoc Lake, Village of Chenequa, Village of Lac La Belle, Village of Merton or Village of Nashotah. All forfeitures, fees

penalty assessments and costs shall be paid to the Treasurer of the Municipality within which the case arose within 7 days after receipt of the money by the Municipal Judge or other court personnel. At the time of the payment, the Municipal Judge or other court personnel. At the time of the payment, the Municipal Judge shall report to the Treasurer the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessment and costs, if any.

#### STIPULATIONS AND DEPOSITS IN MUNICIPAL COURT.

The Municipal Court therein established shall be operated pursuant to and in compliance with the provisions of Chapter 800 Wis. Stats., and, where applicable, other provisions of the Wis. Stats. as referred to in subsection (10) below. The Municipal Judge shall establish in accordance with Section 800.03(3) Wis. Stats., a schedule of deposits for violations of City, Village and Town ordinances, resolution and by-laws, except traffic regulations which are and shall be governed by Chapter 345.27 Wis. Stats., and boating violations which are, and shall be governed by Chapter 23.67 Wis. Stats. Such deposit schedule shall be approved by the respective governing bodies of the municipalities creating and establishing this Court and shall be posted in the office of the Municipal Court Clerk and the police departments of the respective communities.

#### PROCEDURE IN MUNICIPAL COURT.

The procedure in Municipal Court shall be as provided by this Ordinance and State Law including but not excluding because of enumeration Chapter 66, 345, 751, 755, 757, and 800 of the Wis. Stats.

#### CONTEPT PROCEDURES.

The Municipal Judge may impose a sanction authorized under Section 800.12(2) for contempt of court, as defined in Section 785.01(1) Wis. Stats. in accordance with the procedures under Section 785.03 Wis. Stats.

The Municipal Judge may impose a forfeiture for contempt under Section 800.12(1) Wis. Stats. in an amount not to exceed \$50.00 or upon nonpayment of the forfeiture and the penalty assessment under Section 165.87, Wis. Stats., a jail sentence not to exceed 7 days.

#### ABOLISHMENT.

The Municipal Court hereby established shall not be abolished while the 755.01(4) agreement is in effect.

#### INTENT.

The purpose of this Chapter is to provide for, and regulate the maintenance of, drains, drainage ditches and culverts in the Village and thereby promote the general welfare of the community and sound economic growth by: limiting and controlling soil erosion and preventing and controlling the adverse effects of storm water, controlling building sites, placement of structures and land uses, preserving ground cover and the scenic beauty of the Village and Lac La Belle Lake.

#### DRAINS.

Defined. For purposes of this Ordinance, a “drain” means any device for the drainage of water from land or protection of land from water including without limitation, any open ditch, channel, swale, creek, tiles or pipeline, whether natural or manmade.

Procedure for Establishment of Village Drains.

In furtherance of the intent of this Ordinance, the Village Board may, with the aid of the Village Engineer and such other consultants, agents, and Village representatives as may be necessary:

Design drains of sufficient capacity to adequately drain the lands proposed to be drained, including the preparation of detailed plans showing the grades of all drains and a map showing the proposed location of all drains;

Determine the benefits that will accrue to each parcel of land benefited;

Determine damages to such lands as will be damaged;

Estimate the cost of construction;

Determine whether to assess all or any part of the costs of construction against the benefited lands in proportion to the benefits received by each;

Estimate the annual cost of maintenance and operation of the drainage system.

General Provisions.

In laying out drains pursuant to this Ordinance, the Village Engineer shall locate, design, lay out and plan the drains in the manner that seems best to the Village Board to promote the public health or welfare and to drain or to protect the lands served by said drains with the least damage and greatest benefit to all of the affected lands. In determining the sufficiency of the depth and capacity of the drains, the Village Engineer shall consider whether other lands lie above and drain in the direction of, through and along the general course of the proposed drains.

In assessing benefits to any farm lands, the Village Engineer shall ascertain and consider the depth, quality and character of the surface and subsoils, the thoroughness of drainage, the difficulty of drainage, the uses to which the land when drained will be adapted, and all other material elements entering into the increase in the value of such land resulting from the proposed work.

If the damages to any land exceeds any assessment for cost of construction levied against such land the excess may be paid out of the assessment for cost of construction levied against all lands.

If navigable waters, wetlands, shorelands, or lands of similar type are affected by the proposed drainage, the Village shall obtain any permit necessary from the Wisconsin Department of Natural Resources in the manner provided by any applicable statute or administrative rule.

If, upon the completion of the village Engineer’s Study, the Village Board determines that it shall use special assessments to pay for any portion of the work to be done, the Board shall adopt a preliminary resolution, and proceed in the manner specified, under Wis. Stat. Ch. 66. The Village Board shall, in any event fix the time and place of the public hearing on the report and shall cause a Class I notice of the hearing to be published stating the nature of the proposed work or improvement, the general boundary lines of the proposed work or improvement, the general boundary lines of the proposed assessment

district including, in the discretion of the Village Board, a small map thereof, the place and time at which the report may be inspected, and the place and time at which all persons interested, or their agents or attorneys, may appear before the Village Board and be heard concerning the matters contained in the preliminary resolution and the report. If special assessments are to be used, written notice shall also be given to persons affected as provided under Wis. Stat. Chapter 66 not less than 10 (ten) nor more than 40 (Forty) days before the hearing.

At the hearing on the report the Village Board shall hear all objections to the report by any person who feels aggrieved.

With regard to objections relating to assessment of benefits against or award of damages to specified lands, any evidence may be introduced with tends to establish what assessments or awards would be equitable as compared with other similarly situated lands.

If the Village Board finds that the report requires modification or amendment, it shall modify or amend the report as the facts warrant.

Here access to private property for drains is required, the Village Board may, pursuant to the authority granted under Wis. Stat. § 61.34(3m), procure any and all property rights in lands or waters within the Village, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with the land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public. Said property rights may be obtained by the Village Board by gift, purchase or condemnation under Wis. Stat. Ch. 32, as revised from time-to-time.

#### MODIFICAITON OF DRAINS, PERMIT REQUIRED.

No person shall construct, reconstruct, alter, obstruct, fill repair or install any drain or drainage structure in any drain in the Village without having first obtained a permit from the Village Engineer or designee. No permit shall be granted, however, unless the Village Engineer shall have first found that the proposed work will not:

Substantially retard the flow of water, or;

Adversely affect the public health, safety, or welfare.

Any person seeking a permit to alter or install a drainage structure; fill or obstruct any drain; or construct, reconstruct, alter, repair, or install any drainage structure in any drain, shall submit a written application to the Village Engineer containing all of the following information:

The name and address of the applicant. If the applicant is a corporation, the application shall state the names and address of each officer;

The location of the proposed work;

Three (3) copies of the plans and specifications for the work which set forth the drainage area and design of structures or alterations; and

Such additional information as the Village Engineer shall reasonably believe is necessary to determine if the proposed work is consistent with the intent of this Ordinance.



The fee for a permit issued under this Ordinance shall be \$100.00 per lot and shall be paid prior to the processing of any application. Additionally, each applicant shall be responsible for all engineering and legal expenses incurred by the Village in reviewing and processing said application.

#### DRAIN OBSTRUCTIONS AND UNAUTHORIZED STRUCTURES AND MODIFICATIONS PROHIBITED.

In the event a drain is obstructed due to the negligence or deliberate action of a property owner without a permit, or, if any drainage structure is constructed, or reconstructed, altered, repaired, or installed without a permit in either a nature watercourse or a drain, the Village Engineer shall serve a written order on the property owner or person apparently in charge of the property demanding the removal of the obstruction or structure within a reasonable time, as specified within the written order. Any such order may be appealed to the Village Board within ten (10) calendar days of the date of the order. If an appeal is not received by the Village Clerk within such ten (10) days, the order shall be presumed final. Hearings conducted before the Board of Trustees shall be conducted in the manner specified for hearings before a board of appeals under Wis. Stat. § 62.23(7).

Any owner who fails, neglects, or refused to comply with a removal order after the appeal period has expired shall be subject to prosecution for violation of this Chapter and the Village Engineer shall, without undue delay, refer the matter to the Village Attorney's office for prosecution.

Any person who violates the provisions of this Ordinance shall, upon conviction, pay a forfeiture of not less than \$150.00 nor more than \$500.00 for each violation in addition to the costs of prosecution. Each day of violation shall constitute a public nuisance and may be enforced by injunction. The Village may also pursue any other remedy available to it in law or equity in the event of violation of this Ordinance.

#### ENTRY ONTO LANDS.

Pursuant to Wis. Stat. § 88.87(3), agents of the Village may enter onto any property for the purpose of removing an obstruction in a drain which is in violation of Wis. Stat. § 88.87(3)(a) and which is causing flooding or damage to a Village highway. The reasonable cost of removal of an obstruction under this Ordinance shall be charged to the property owner by a Special Charge pursuant to Wis. Stat. § 66.60(16). In the event any Special Charge remains unpaid for more than thirty (30) days, a lien against the property shall be created in accordance with Wis. Stat. § 66.60(16).

#### PRESERVATION OF TOPOGRAPHY.

In order to protect the property from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would alter the existing drainage or topography of any way so as to adversely affect the adjoining property and approval of the Village Board.

In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.

#### NO INTERFERENCE.

No person shall interfere with, or impede, a Village officer, employee, contractor, or agent in removing any obstruction.

## STATUTORY AUTHORIZATION.

This ordinance is adopted pursuant to the authorization in sections 61.35, 61.351, 87.30 and 144.26, Wis. Stats.

## PURPOSE AND INTENT.

For the purpose of promoting the public health, safety, convenience and welfare, this ordinance has been established to:

Further the maintenance of safe and healthful conditions and prevent and control water pollution through:

Limiting structures to those areas where soil and geological conditions will provide a safe foundation.

The control of filling and grading to prevent serious soil erosion.

Protect spawning grounds, fish and aquatic life through:

Preserving wetlands and other fish and aquatic habitat.

Regulating pollution sources.

Controlling shoreline alterations such as dredging, lagooning and the construction of seawalls.

Control building sites, placement of structures and land uses through:

Reduction and elimination of conflicting land uses.

Prohibiting uses detrimental to the shoreland area.

Regulating building and structural placement.

Regulating land and water uses so as to assure a more compatible relationship to the carrying capacity of the land and water.

Preserve shore cover and natural beauty through:

Restricting the removal of natural shoreland cover.

Preventing shoreland encroachment by structures.

Controlling shoreland excavation and other earth moving activities.

Regulating the use and placement of boathouses and other structures.

Provide for adequate light, air, sanitation, drainage, convenience of access, safety from fire, flood hazard and other dangers, promote the safety and efficiency of the public streets and highways, conserve and stabilize the economic value of the community, preserve and promote the general attractiveness and character of the community environment and guide the proper distribution and location of population and the various land uses.

Prevent the exploitation, direct or indirect, of lands set aside for the common good as conservancy districts; prevent flooding; prevent pollution of streams, lakes and other bodies of water; and prevent indiscriminate crowding of streams, lakes and other bodies of water.

#### **GENERAL PROVISIONS.**

COMPLIANCE. The use of wetlands and the alteration of wetlands (including wetlands within the shoreland area of the municipality) and of lands within the buffer zone designated by this ordinance shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. All permitted development shall require the issuance of a conditional use permit unless otherwise expressly excluded by a provision of this ordinance.

MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if section 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when section 30.12(4)(a), Wis. Stats., applies.

#### **ABROGATION AND GREATER RESTRICTIONS.**

This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under sections 61.35, 62.23 or 87.30 Wis. Stats., which relate to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in Chapter NR 117, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the chapter NR 117 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

SEVERABILITY. Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

ANNEXED AREAS. The Waukesha County shoreland zoning provisions in effect on the date of annexation remain in effect administered by the municipality for all areas annexed by the municipality after May 7, 1982. These annexed lands are described on the municipality's official zoning map. The Waukesha County shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator.

#### **SHORELAND-WETLAND ZONING DISTRICT.**

SHORELAND-WETLAND ZONING MAPS. The following maps are hereby adopted and made part of this ordinance and are on file in the office of the municipal Clerk: Wisconsin Wetland Boundary Map dated 1992.

#### DISTRICT BOUNDARIES.

The following maps are hereby adopted and made part of this ordinance and are on file in the office of the municipal clerk: Lac La Belle Wetland Boundary Map dated 1992.

The C-W – Conservancy-Wetland Zoning District includes all wetlands mapped as such on the Village of Lac La Belle Wetland Boundary Map dated 1992, as described in § 3.1 of this ordinance. Additional areas of wetland may be included in the C-W – Conservancy-Wetland Zoning District only upon proving that said additional wetland satisfied all the necessary criteria for wetland as of November 3, 1988 (the date of Village receipt of the Wisconsin Wetland Inventory Maps stamped "FINAL" for the Village of Lac La Belle), and said additional wetlands were omitted from the wetland district shown on the wetland map adopted by § 3.1 of this ordinance in error. Lands which did not meet all of the criteria for wetlands on November 1, 1988, but subsequently met all of the criteria will not be included in the C-W – Conservancy-Wetland Zoning District unless and until an amendment to the Lac La Belle Wetland Boundary Map adopted pursuant to § 3.1 of this Ordinance is adopted pursuant to § 7 of this Ordinance.

The Shoreland Overlay District includes all areas within the Village which are:

Within one-thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are shown on the, United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance.

Within three-hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance.

Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high-water mark.

In the event that an error in the wetland boundary established by the map adopted by § 3.1 of this ordinance becomes apparent such that either land that met all of the criteria for wetland on November 3, 1988, was erroneously excluded from the C-W – Conservancy- Wetland Zoning District or land included in said district failed to meet all of the criteria of wetland as of November 3, 1988, the Plan Commission shall contact the appropriate district office of the Department to determine if the wetland district boundary, as mapped, is in error. If Department staff concur with the Plan Commission that a particular area was incorrectly mapped as a wetland, the Plan Commission shall have the authority to immediately grant or deny a conditional use permit in accordance with the regulations applicable to the correct zoning district. If Department staff concur with the Plan Commission that a particular area was incorrectly excluded from the wetland district, the Plan Commission shall make a recommendation for the amendment of the wetland district map adopted by § 3.1 of this Ordinance to the Board of Trustees,

and such amendment shall be acted upon pursuant to § 7 of this Ordinance. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in § 3.25 and 3.26, the Plan Commission shall be responsible for initiating a map amendment within a reasonable period.

**FILLED WETLANDS.** Wetlands which are filled prior to November 3, 1988, the date on which the municipality received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this ordinance.

**WETLANDS LANDWARD OF A BULKHEAD LINE.** Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982, under § 30.11, Wis. Stats., are not subject to this ordinance.

**The C-W Conservancy Wetland District and C-W Buffer District Regulations.**

**Permitted Uses.** The following uses are permitted within the C-W Conservancy - Wetland District and the C-W Buffer District subject to the provisions of chapters 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

Activities and uses which do not require the issuance of a conditional use permit, provided that no wetland alteration occurs:

Hiking, fishing, trapping with live traps only (not by bolt or Conobear traps), swimming, snowmobiling and boating;

The harvesting of wild crops, such as marsh bay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.

Uses which do not require the issuance of a conditional use permit and which may involve wetland alterations only to the extent specifically provided below:

The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;

The construction and maintenance of walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;

The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in section of this ordinance; and

The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

Uses which are allowed upon the issuance of a conditional use permit and which may include wetland alterations only to the extent specifically provided below:

The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under section , of this ordinance, provided that:

The road cannot, as a practical matter, be located outside the wetland;

The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in section of this ordinance;

The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;

Road construction activities are carried out in the immediate area of the roadbed only; and

Any wetland alteration must be necessary for the construction or maintenance of the road.

The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves, provided that:

Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;

The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in section 18.04 of this ordinance; and

Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, and wildlife preserves, shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided that:

The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;

Only limited filling or excavating necessary for such construction or maintenance is allowed and said activities comply with section of this ordinance; and

Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in section of this ordinance.

**PROHIBITED USES.** Any use not listed in section of this ordinance is prohibited within the C-W – Conservancy-Wetland District and the C-W Buffer District, unless the wetland or a portion of the wetland has been re-zoned by amendment of this ordinance in accordance with section of this ordinance.

**NON-CONFORMING STRUCTURES AND USES.** The lawful use of a building, structure, or property which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of the ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

The provisions of this ordinance shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the wetland provisions.

If a nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this ordinance.

Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this ordinance may be continued. However, such nonconforming use may not be extended.

The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of section 30.121, Wis. Stats.

Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

**SHORELAND OVERLAY DISTRICT.** This Section applies to all areas within the Shoreland Overlay District as defined in Section (2) of this chapter of the Village of Lac La Belle Code of Ordinances.

#### PERMITTED USES

Any uses permitted by right in underlying zoning district unless prohibited by this section.

Subject to section 18.05, minor grading, filling and land altering activities as defined in section including patio construction, may be permitted without the benefit of a Conditional Use Permit outside of the C-W Conservancy - Wetland District and the 100 year floodplain and above the ordinary high water marks subject to the projects being authorized through administrative procedures and granted a Zoning Permit by meeting the following standards:

An administrative determination that the project has no public impact on or will not adversely affect adjacent or surrounding property.

The review and approval, if necessary, by the Department of Natural Resources of the project.

Willingness to enter into a stipulated agreement with the Village, if necessary, concerning the scope of work, type of material used, method of construction, final grades, re-establishment of vegetative cover, date of completion and any other items deemed appropriate by the Village. Method and materials for sea wall construction shall be per the latest recommendations of Department of Natural Resources.

Submittal of complete and accurate set of plans sufficient to determine the above parameters including contour maps and cross-sections, vegetative seeding schedules, the period of construction activity, method of protection of surrounding land and water areas from erosion and sedimentation and method of construction and how project will relate to adjoining property.

Decks as defined herein shall meet the shore setback provisions of the underlying zoning district.

#### PROHIBITED USES.

Marinas.

Pyramiding.

Boathouses.

#### CONDITIONAL USES.

Grading, clean fill disposal sites, topsoil removal, filling, alteration or enlargement of waterways, removal of stream or lakebed materials, excavation, channel cleaning and clearing, ditching, draining, drain tile layering, dredging, lagooning and soil and water conservation structures, all require conditional use permits in accordance with section 18.04. In addition, such uses may require a permit from the state agency having jurisdiction pursuant to Chapter 30 of the Wisconsin Statutes and, where applicable, a Federal Permit from the U.S. Army Corps of Engineers,

The construction of walls (stone, ties, brick or other material) 5' or less from a property line must be specifically authorized through the issuance of a Conditional Use Permit. A wall greater than 5' from a property line, may be allowed pursuant to the minor grading provisions of section 18.05. Fill or grading considered by the Zoning Administrator to be necessary backfill and/or excavation for an otherwise permitted structure, may be permitted without the necessity of securing a Conditional Use Permit or a Minor Grading Permit as long as said fill or grading is accessory to said construction and does not extend to a distance greater than 20' from the foundation and does not divert runoff directly onto adjacent property or adversely affect adjoining property. In order to make such determination, the property owner shall submit a grading plan of existing and proposed grades on the subject lot and adjacent lands where said accessory fill and/or grading is closer than 20' to a property line. Land altering activities to an amount greater than this amount shall not be allowed pursuant to Section 18.05 without the benefit of a



Conditional Use Permit. Further, no fill or alterations on the existing topography shall be allowed under any circumstances which will alter the drainage or topography in a way which will adversely affect the surrounding lands. In making such a determination, the zoning administrator shall have the authority to determine the effect of the construction or fill on surrounding property and require improvements and/or facilities as may be in the best interest of preserving topography and drainage systems which will have the effect of lessening the impact on either upstream, downstream or adjacent properties.

In the case of a dispute or question arising as to the adversity or effect of the project on either the property owner, adjacent owners or the general public, said questions shall be submitted to the Village plan commission for resolution to the question.

Section 18.04 providing protection for pre-existing non-conforming uses shall also apply to the restrictions contained in Section 18.05.

#### PRESERVATION OF TOPOGRAPHY.

In order to protect property owners from possible damage due to changes in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, the following regulations will apply to all areas within the Shoreland District including floodplain and wetlands.

No change in the existing topography or drainage courses on any land in the Shoreland District which is not C-W-Conservancy-Wetland or C-W Buffer Zone, shall be allowed which would result in adversely altering the drainage or increasing any portion of existing slopes through fill and/or grading to a ratio greater than three (3) horizontal to one (1) vertical within 20' of a lot line.

#### TREE AND SHRUBBERY CUTTING.

PURPOSE. The purpose of tree and shrubbery cutting regulations applicable to the Shoreland District is to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the shoreland. The provisions shall not apply to the removal of dead, diseased or dying trees or shrubbery at the discretion of the landowner.

SHORELINE CUTTING. Tree and shrubbery cutting in an area parallel to the ordinary high water mark, and extending thirty-five (35) feet inland from all points along the ordinary high water mark, shall be limited in accordance with the following provisions:

No more than thirty (30) feet in any one hundred (100) feet, as measured along the ordinary high water mark, may be clear cut to the depth of the thirty-five-foot area.

Natural shrubbery shall be preserved as far as practicable and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.

**PATHS.** Any path, road or passage within the thirty-five-foot area shall be constructed and surfaced so as to effectively control erosion.

**CUTTING PLAN.** As an alternative to subsection (A) above, a special cutting plan allowing greater cutting may be permitted by the board of appeals by issuance of a special exception as defined herein. An application for such a permit shall include a sketch of the lot providing the following information: location of parking, topography of the land, existing vegetation, proposed cutting, and proposed replanting. The board may grant such a permit only if it finds that such special cutting plan:

Will not cause undue erosion or destruction of scenic beauty; and

Will provide substantial visual screening from the water of dwellings, accessory structures and parking areas. Where the plan calls for replacement plantings, the board may require the submission of a bond which guarantees the performance of the planned tree or shrubbery replacement by the lot owner.

**CUTTING MORE THAN THIRTY-FIVE (35) FEET INLAND.** From the inland edge of the thirty-five-foot area to the outer limits of the Shoreland District, the cutting of trees and shrubbery shall only be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

## **ADMINISTRATIVE PROVISIONS**

### **ZONING ADMINISTRATOR.**

After October 1, 2009, the Village Administrator is appointed zoning administrator for the purpose of administering and enforcing this ordinance.

The zoning administrator shall have the following duties and powers:

Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms;

Issue permits and certificates of compliance and inspect properties for compliance with this ordinance;

Keep records of all permits issued, inspections made, work approved and other official actions;

Have access to any structure or premises between the hours of 8 a.m. and 6 p.m. for the purpose of performing these duties;

Submit copies of decisions on variances, conditional use permits, zoning permits, appeals of a map or text interpretation, and map or text amendments within ten (10) days after they are granted or denied, to the appropriate district office of the DNR and to the plan commission;

Investigate and report violations of this ordinance to the Plan Commission and the Village attorney.

#### ZONING PERMITS.

WHEN REQUIRED. Unless another section of this ordinance specifically exempts certain types of development from this requirement or requires a conditional use permit instead, a zoning permit shall be obtained from the zoning administrator before any new development, as defined in section 18.09, or any change in the use of an existing building or structure is initiated.

APPLICATION. An application for a zoning permit shall be made to the zoning administrator upon forms furnished by the Village and shall include, for the purpose of proper enforcement of these regulations, the following information:

#### GENERAL INFORMATION.

Name, address, and telephone number of applicant, property owner and contractor, where applicable.

Legal description of the property and a general description of the proposed use or development.

Whether or not a private water supply or sewage system is to be installed.

Such other information as the zoning administrator deems necessary.

#### SITE DEVELOPMENT PLAN.

The site development plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:

Dimensions and area of the lot;

Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;

Description of any existing or proposed on-site sewage systems or private water supply systems;

Location of the ordinary high-water mark of any abutting navigable waterways;

Boundaries of all wetlands;

Existing and proposed topographic and drainage features and vegetative cover;

Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;

Location of existing or future access roads; and

Specifications and dimensions for areas of proposed wetland alteration.

EXPIRATION. All permits issued under the authority of this ordinance shall expire 12 months from the date of issuance.

#### CERTIFICATES OF COMPLIANCE.

Except where no zoning permit or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the zoning administrator subject to the following provisions:

The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ordinance.

Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.

The certificate of compliance shall be issued within ten (10) days after notification of the completion of the work specified in the zoning or conditional use permit, providing the building or premises and proposed use thereof conform with all the provisions of this ordinance.

The zoning administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established by the municipal governing body.

Upon written request from the owner, the zoning administrator shall issue a certificate of compliance for any building or premises existing at the time of ordinance adoption, certifying after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

#### CONDITIONAL USE PERMITS.

Approval Required: Certain uses and situations which are of such a special nature, or are so dependent upon actual contemporary circumstances, as to make impractical the predetermination of permissibility, or the detailing in this Ordinance of specific standards, regulations, or conditions which would permit

such determination in each individual situation, may be permitted as Conditional Uses. The fact that a Conditional Use may be permitted should not infer any right thereto. Conditional Uses may be denied by the Plan Commission so long as such action is not discriminatory or unreasonable.

Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the zoning administrator and a conditional use permit has been granted by the Plan Commission following the procedures in section 8.20 of the Village Zoning Ordinance.

FEES. The applicant for a zoning permit, certificate of compliance, conditional use permit or rezoning under this ordinance shall pay all filing fees and costs set out in Section 8.28 of the Code of Ordinances of the Village of Lac La Belle.

#### RECORDING.

Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the zoning administrator of the land use and structures permitted.

If a conditional use permit is granted, a deed restriction must be filed with the register of deeds prior to the issuance of a zoning or building permit.

REVOCATION. Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Plan Commission.

BOARD OF APPEALS. The Board of Appeals created by section 8.19 of the Code of Ordinances of the Village of Lac La Belle shall have the powers and duties specified in section 8.19 with respect to the administration of the Shoreland-Wetland Zoning Ordinance, Decisions of the Board of Appeals concerning the Shoreland-Wetland Zoning Ordinance shall be filed with the district office of the DNR within ten (10) days after the decision is issued.

#### **AMENDING SHORELAND-WETLAND ZONING REGULATIONS.**

The board of trustees may alter, supplement or change the district boundaries and the regulations contained in this ordinance in accordance with the requirements of section 62.23(7)(d)2., Wis. Stats., NR 117, Wis. Adm. Code, and the following:

A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the DNR within five (5) days of the submission of the proposed amendment to the Village plan commission;

All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the Village plan commission, and a public hearing shall be held after class two (2) notice as required by section 62.23(7)(d)2., Wis. Stats. The appropriate district office of the Department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.

In order to ensure that this ordinance will remain consistent with the shoreland protection objectives of section 144.26, Wis. Stats., the Village Board of Trustees may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

Storm and flood water storage capacity;

Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;

Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

Shoreline protection against erosion;

Fish spawning, breeding, nursery or feeding grounds;

Wildlife habitat; or

Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

Where the district office of the DNR determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in section of this ordinance, the DNR shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.

The appropriate district office of the DNR shall be provided with:

A copy of the recommendation and report, if any, of the Village plan commission on a proposed text or map amendment, within ten (10) days after the submission of those recommendations to the Village Board of Trustees.

Written notice of the action on the proposed text or map amendment within ten (10) days after the action is taken.

If the DNR notifies the Village plan commission in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in section of this ordinance, that proposed amendment, if approved by the Village Board of Trustees, shall not become effective until more than 31 days have elapsed since written notice of the Village approval was mailed to the DNR, as required by section of this ordinance. If, within the 30-day period, the DNR notifies the Village that the DNR intends to adopt a superseding shoreland-wetland zoning ordinance for the Village as provided by sections 62.231(6) and 61.351(6), Wis. Stats., the proposed amendment shall not become effective until the ordinance adoption procedure under section 62.231(6) or 61.351(6), Wis. Stats., is completed or otherwise terminated.

If the change involves the alteration of the floodplain, F.E.M.A. must be notified.

**ENFORCEMENT AND PENALTIES.** Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator shall refer violations to the Village plan commission and the Village attorney for prosecution of such violations. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of this ordinance of not less than \$20.00 nor more than \$500.00 per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the Village, the State, or any citizen thereof pursuant to section 87.30(2), Wis. Stats.

#### **DEFINITIONS.**

For the purpose of this ordinance, and when not inconsistent with the context, words used herein in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word "structure" includes buildings; the word "occupied" includes designed or intended to be occupied; the word "inhabit" includes intended to be inhabited; the word "shall" is always mandatory and not merely permissive; "zoning administrator" refers to the Village Building Inspector; "plan commission" refers to the Village plan commission; and reference to any officer

such as "clerk," "building inspector," "engineer" or "attorney," means that officer appointed or otherwise officially designated by the Village in such capacity, unless otherwise specifically designated.

The following terms used in this ordinance mean:

**ACCESSORY STRUCTURE OR USE.** Means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principle structure or use to which it is related and which is located on the same lot as that of the principle structure or use.

**BOATHOUSE.** As defined in section 30.121(l), Wis. Stats., means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.

**BULKHEAD LINE.** Means a boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the department of natural resources pursuant to section 30.11 of the Wisconsin Statutes.

**CHANNEL.** Means those floodlands normally occupied by a stream of water under average annual high-water conditions while confined within generally well-established banks.

**CLASS 2 PUBLIC NOTICE.** Means class 2 notice as defined in chapter 985 of the Wisconsin Statutes.

**CONDITIONAL USE.** Means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Plan Commission.

**DECK.** Means a structure characterized by a flat open horizontal surface or platform suspended above the grade of the land it covers and which may be supported by posts, beams, cantilever and/or by other methods. Deck does not include piers and a deck may not be used for the loading or unloading of boats.

**DEPARTMENT or DNR.** Means the Wisconsin Department of Natural Resources.

**DEVELOPMENT.** Means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

**DRAINAGE SYSTEM.** Means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

**ENVIRONMENTAL CONTROL FACILITY.** Means any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.



**FIXED HOUSEBOAT.** As defined in section 30.121(l), Wis. Stats., means a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

**MARINA.** Means a tract of land contiguous to a body of water and including any piers, wharves or docks extending into the water and below the ordinary high water mark and/or any structure upon that tract of land where the commercial mooring at docks or buoys (dry or wet), maintenance, repair, refueling or selling of boats and/or accessories for boats take place.

**MINOR GRADING, FILLING AND LAND ALTERING ACTIVITIES.** Means those land altering activities or projects that do not exceed land disturbance greater than three-thousand (3,000) square feet in area and/or fifteen (15) cubic yards in aggregate.

**NAVIGABLE WATERS.** Means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under section 144.26(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under sections 61.351 or 62.221, Wis. Stats., and chapter NR 117, Wis. Admin. Code, do not apply to lands adjacent to farm drainage ditches if:

Such lands are not adjacent to a natural navigable stream or river;

Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

Such lands are maintained in nonstructural agricultural use.

*[Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Co., Inc., v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons.]*

**ORDINARY HIGH-WATER MARK.** Means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

**PATIO.** Means a flat open horizontal surface or platform located on the grade of the land and not considered to be a structure as defined and regulated herein.

**PIERHEAD LINE.** Means a boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the state department of natural resources, pursuant to section 30.13 of the Wisconsin Statutes. Piers and wharves are only permitted to the landward side of such pierhead lines unless a permit has been obtained pursuant to section 30.12(2) of the Wisconsin Statutes.

**PLANNING AGENCY.** Means the Village plan commission created under section 62.23(l), Wis. Stats.

**PYRAMIDING.** Means the act of obtaining or providing access to public bodies of water across private lots or lands in a manner which increases the number of families which have access to that water to a degree greater than what would occur with individual riparian owners having individual lots fronting on the water. The effect of pyramiding is to funnel backlot development from offshore lots or residences via a narrow parcel of land to provide access to the water. Publicly owned access points shall not fall within this definition.

**SHORE SETBACK.** Means the horizontal distance between the ordinary high water mark of navigable waters and the closest point of a principal or accessory structure as defined herein.

**SHORELANDS.** Means lands within the following distances from the ordinary high-water mark of navigable waters; one-thousand (1,000) feet from a lake, pond or flowage; and three-hundred (300) feet from a river or stream or to landward side of the floodplain, whichever distance is greater.

**WETLAND DISTRICT.** Means the C-W – Conservancy-Wetland zoning district, created in this wetland zoning ordinance.

**SHORELINES.** Means the intersection of the land surfaces abutting lakes, ponds, streams, flowages, and wetlands with the average annual high water elevation.

**UNNECESSARY HARDSHIP.** Means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

**VARIANCE.** Means an authorization granted by the Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this ordinance.

**WETLANDS.** Means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

**WETLAND ALTERATION.** Means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

## Chapter 19 – Reserved

**SEWER COMMISSION.** The Board of Trustees of the Village of Lac La Belle hereby creates a Sewer Commission and Authorizes said commission to take all actions and exercise all authority as granted to the Approving Authority under this ordinance.

Said commission shall consist of three (3) members, appointed by the Village President, including the designation of a chairman, and confirmed by the Board of Trustees and serving a term of two years. The term of said commission members shall begin on the May following the election of the Village President for a regular two-year term. A vacancy on the commission occurring prior to the expiration of the commissioner's term shall expire on April 30 of the next year in which a regular election for Village President is held. All members of the commission shall be residents of the Village of Lac La Belle at the

time that they are appointed to the commission, and a commissioner may no longer serve on the commission after terminating his or her residence within the Village of Lac La Belle.

The commission shall meet as often as necessary to perform the responsibilities of the Approving Authority under this ordinance. The commission shall comply with all applicable ordinances and statutes concerning notice of meetings and the conduct of meetings in public.

The Village Clerk is hereby designated as the clerk of the commission and shall prepare minutes of all meetings except as not required because the meeting or a portion thereof is held in validly called closed session.

#### DEFINITIONS.

**AMMONIA NITROGEN (NH<sub>3</sub>-N)** – One of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH<sub>3</sub> or in ionized form as NH<sub>4</sub><sup>+</sup>. Quantitative determination of Ammonia Nitrogen shall be made in accordance with procedures set forth in “Standard Methods.”

**APPROVING AUTHORITY** shall mean the Village Board of the Village of Lac La Belle or its duly authorized deputy, agent, or representative.

**BIOCHEMICAL OXYGEN DEMAND (BOD)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at twenty (20) degrees Centigrade, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in “Standard Methods.”

**BUILDING DRAIN** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

**BUILDING SEWER** shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection. Once constructed, the portion of the building sewer located within the public right of way or easement shall be considered an integral part of the public sewer, and maintenance of this portion shall become the responsibility of the Village.

**COMBINED SEWER** shall mean any sewer intended to serve as a sanitary sewer and storm sewer.

**COMPOSITE SAMPLE (24 hours)** shall be the combination of individual sewer and storm sewer.

**COMPATIBLE POLLUTANT** means biochemical oxygen demand, suspended solids, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES Permit for the publicly owned treatment works receiving the pollutants if such works were designed to treat such additional pollutants, and in part does remove such pollutants to a substantial degree.

**CHLORINE REQUIREMENT** shall mean the amount of chlorine, in milligrams per liter, which must be added to wastewater to produce a specified residual chlorine content in accordance with procedures set forth in “Standard Methods.”

EASEMENT shall mean in acquired legal right for the specific use of land owned by others. A permanent easement shall be a maximum of twenty (20) feet wide, ten (10) feet on each side of the sewer line as actually constructed.

FIXED CHARGE shall mean the charge of the cost of debt retirement associated with construction, erection, modification, or rehabilitation of the wastewater treatment works.

FLOATABLE OIL is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

FLOW PROPORTIONAL SAMPLE - A sample taken that is proportional to the volume of flow during the sampling period.

GARBAGE shall mean the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

GROUND GARBAGE shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.

INCOMPATIBLE POLLUTANT means wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

INDUSTRIAL USER. (Am. MSC '86) Per Federal Register, Vol. 43, No. 188, September 27, 1978, quoted as follows:

Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gals. per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A Agriculture, Forestry and Fishing

Division B Mining

Division D Manufacturing

Division E Transportation, Communications, Electric, Gas and Sanitary Services Division I Services

Discharges in the above divisions that have a volume exceeding 25,000 gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 gpd of sanitary waster are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from residential users and containing 250 mg/l BOD and 270 mg/l SS. mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of manufacturing, transportation, communications or utilities, mining, agriculture, forestry, or fishing.

INDUSTRIAL WASTE – Any trade or process waste as distinct from segregated domestic wastes or wastes from sanitary conveniences.

**INTERCEPTING SEWER** – A sewer whose primary purpose is to convey wastewater from a collection system or systems to a wastewater treatment plant. Size of the sewer is not a factor.

**NATURAL OUTLET** shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

**NORMAL DOMESTIC WASTEWATER** shall mean sanitary wastewater resulting from normal domestic activities, in which BOD's, SS, and P concentrations do to exceed normal concentrations of:

A five day, 20°C, BOD of not more than 250 mg/l.

A suspended solids content of not more than 270 mg/l.

A phosphorus concentration of not more than 13 mg/l.

**PERSON** shall mean any and all persons including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

**pH** shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of  $10^{-7}$ .

**PHOSPHORUS (P)** – Total phosphorus in wastewater, which may be present in any of three principal forms: orthophosphate, polyphosphates, and organic phosphates. Quantitative determination of total phosphorus shall be made in accordance with procedures set forth in "Standard Methods."

**PRETREATMENT** shall mean an arrangement of devices and structures, for the preliminary treatment or processing of wastewater required to render such wastes acceptable for admission to the public sewers.

**PUBLIC SEWER** shall mean any sewer provided by or subject to the jurisdiction of Village of Lac La Belle. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary sewer system, even though those sewers may not have been constructed with Village funds.

**REPLACEMENT COSTS** means expenditures for processing and installing equipment, accessories, and appurtenances necessary during the useful life of the treatment works to maintain its design capacity and performance. Operation and Maintenance Costs include replacement costs. Replacement funds will be contained in a separate designated account established for such purpose.

**RESIDENTIAL EQUIVALENT CONNECTION (REC)** is an average residential household contributing 200 gallons of wastewater per day with BOD and suspended solids of not more than 250 mg/l and 270 mg/l respectively.

**RESIDENTIAL USER** shall mean any user whose premises are used primarily as a domicile for one or more persons and discharges only normal domestic wastes.

**SANITARY WASTEWATER** shall mean a combination of water carried wastes from residences, business buildings, institutions and industrial plants (other than industrial wastes from such plants), together with such ground, surface and storm waters as may be present.

SANITARY SEWER shall mean a sewer that carries sanitary and industrial water carried wastes from residents, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm and surface water that are not admitted intentionally.

SEGREGATED DOMESTIC WASTES may be defined as wastes from nonresidential sources resulting from normal domestic activities. These activities are distinguished from industrial, trade and/or process discharge wastes.

SEWAGE is the spend water of a community. The preferred term is “wastewater” as defined in this section.

SEWAGE SYSTEM shall mean the composite network or underground conduits carrying wastewater and appurtenances incidental thereto (i.e., manholes, lift stations, service lateral).

SEWER shall mean a pipe or conduit that carries wastewater or drainage water.

SEWER AVAILABILITY CHARGE is a charged assessed for having the availability to connect to public sanitary sewers that discharge to the Oconomowoc wastewater treatment facility.

SEWER CONNECTION CHARGE is a charge assessed for connecting to public sanitary sewers that discharge to the Oconomowoc wastewater treatment facility.

SEWER SERVICE CHARGE shall mean a charge levied on users of the wastewater collection and treatment facilities for capital-related expenses as well as operation and maintenance costs of said facilities.

SEWER USER CHARGE shall mean the charge levied on users of a treatment works for the users’ proportional share of the cost of operation and maintenance (including replacement) of such works.

SHALL is mandatory; MAY is permissible.

SLUG shall mean any discharge of water or wastewater which in concentration of any given constituent or in quality of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and shall adversely affect the system and/or performance of the wastewater treatment works.

STANDARD METHODS shall mean the examination and analytical procedures set forth in the most recent edition of “Standard Methods for the Examination of Water, Sewage and Industrial Wastes” published jointly by the American Public Health Association, the American Water Works Association, and the Federal of Sewage and Industrial Wastes Associations.

STORM DRAIN (sometimes termed “storm sewer”) shall mean a drain or sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.

STORM WATER RUNOFF shall mean that portion of the rainfall that is drained into the sewers.

SURCHARGE shall be the portion of the volume change that is the cost to treat the additional pounds of pollutants in the volume of wastewater above the pounds of pollutants that would result from the same volume of wastewater if it was of normal domestic strength wastewater. A unit price is assigned (\$/lb. of pollutant) to treat the additional pounds of pollutants.

SUSPENDED SOLIDS (SS) shall mean that either float on the surface of, or are in suspension in water, wastewater, or other liquid, and that are removable by laboratory filtering as prescribed in "Standard Methods" and are referred to as filterable residue.

UNMETERED USER shall mean a user who is not connected to a municipal water system and thereby does not have his private water supply metered.

UNPOLLUTED WATER is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

USER CHARGE SYSTEM is the system which generates operation, maintenance and replacement (O, M&R) revenues equitably for providing each user class with service.

USER CLASSES are categories of user having similar flows and water characteristics; that is, levels of biochemical oxygen demand, suspended solids, phosphorus, ammonia nitrogen, etc. For the purposes of this Ordinance, there shall be three (3) user categories:

CATEGORY A shall be those sanitary sewer users who discharge wastewater with concentrations of BOD5 and suspended solids no greater than 250 and 270 milligrams per liter (mg/l).

CATEGORY B shall be those sanitary sewer users who discharge wastewater with concentrations of BOD5 and/or suspended solids greater than 250/270 milligrams per liter (mg/l) but no greater than 400 milligrams per liter (mg/l).

CATEGORY C shall be those sanitary sewer users who discharge wastewater with concentrations of BOD5 and/or suspended solids greater than 400 milligrams per liter (mg/l).

VOLUME CHARGE is a sewer use charge based upon the volume of wastewater to be transported.

WASTEWATER shall mean that spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with groundwater, surface water, and storm water that may be present.

WASTEWATER FACILITIES shall mean the "wastewater treatment works" defined below exclusive of interceptor sewers, and wastewater collection systems. All wastewater treatment is provided by the City of Oconomowoc and all references to treatment facilities refer to those facilities owned and operated by the City of Oconomowoc.

WASTEWATER TREATMENT WORKS shall mean an arrangement of devices and structures from the storage, treatment recycling, and reclamation of wastewater, liquid industrial wastes, and sludge. These systems include interceptor sewers, outfall sewers, wastewater collection systems, individual systems, pumping, power and other equipment and their appurtenances; any works that are an integral part of the treatment process or are used for ultimate disposal of residues from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal or industrial wastes.

WATERCOURSE shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

WPDES PERMIT – Permit issued under the Wisconsin Pollutant Discharge Elimination System, Chapter NR 120, Wisconsin Administrative Code which establishes effluent limitations and monitoring requirements for the municipal treatment facility.

#### USE OF PUBLIC SEWERS.

SANITARY SEWERS. No person(s) shall discharge or cause to be discharged subsurface drainage, detention settlings, or cooling water to any sanitary sewer except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the Approving Authority.

#### USER CONNECTIONS.

The Owner(s) of all houses, buildings, or properties located within the Village's legal boundaries on or before January 1, 2005 and used for human occupancy, employment, recreation, or other purposes, including milk houses, situated within the Village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer, is (are) hereby required at the Owner(s) expense to install suitable toilet facilities therein, and connect such facilities directly to the proper public sewer in accordance with the provisions of this Ordinance within six (6) months after the date of official notice from the Approving Authority to do so.

The Owner(s) of all houses, buildings, or properties annexed by the Village after January 1, 2005 may file a request with the Village Board to defer connection to the sewerage system. Upon granting of such deferment, the owner(s) shall pay to the Village the sewer availability charges provided for in section 20.15. Such deferment shall cease when any of the following events occur with respect to the house, building, or property:

Change or intensification in use;

Change in ownership;

Land division by certified survey map or plat;

Modification of any structure which results in an increase of more than fifty (50) percent of its current fair market value.

Upon the occurrence of any of these events, the owner(s) of the houses, buildings, or properties shall connect directly to the proper public sewer in accordance with the provisions of this Ordinance within six (6) months after the date of official notice from the Approving Authority to do so.

If any person fails to comply after the expiration of the time provided by the notice, the Village may impose a penalty equal to one-hundred-fifty (150) percent of the minimum quarterly charge found in the user charge system for each quarter until such time as the connection is made by the Owner. After a period of twelve (12) months from the date of official notice, the Village may cause connection to be made. In the latter case, the expense thereof shall be assessed as a special tax against the property. The Owner may, within thirty (30) days after the completion of the work, file a written option with the Village stating that he or she cannot pay the amount in one sum and asking that it be levied not to exceed five (5) equal annual installments, and the amount shall be so collected with interest at the rate of ten (10) percent per year from the completion of the work, the unpaid balance to be a special tax lien.



The sewer service charges contained in the user charge system shall take effect as of the day a connection to the sewer is made.

No portable or temporary sanitary facilities shall be allowed within the Village without approval of the Approving Authority.

**STORM SEWERS.** Storm water other than that exempted under subsection A, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority, to a storm sewer or natural outlet.

**PROHIBITIONS AND LIMITATIONS.** Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or waters to any public sewer.

Any gasoline, benzene, naphtha, fuel oil, other flammable or explosive liquid, solid, or gas.

Any wax, grease or oil, plastic or any other substance that will solidify or become discernibly viscous at temperatures between 32°F to 150°F (0°C to 65°C).

Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

Any wastewater or wastes having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.

Solid or viscous substances in quantities, or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes cinders, sand, mud, straw, shavings, metal, glass rags, feathers, tar plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

The following described substances, materials waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Approving Authority may set limitations lower than the limitations established in the regulations below if in their opinion such more severe limitations are necessary to meet the above objectives. In forming an opinion as to the acceptability, the Approving Authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Approving Authority are as follows:

Wastewater having a temperature higher than 150° Fahrenheit (65° Celsius).

Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.

Any water or waste which may contain more than 100 mg/l of fat, oil, or grease.

Any garbage that has not been properly shredded to such a degree that all particles will be carried freely in suspension in the municipal sewers. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

Any waters or wastes containing iron, hexavalent chromium, trivalent chromium, copper, zinc, mercury, cyanide, nickel, cadmium, phenols, tin and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Approving Authority for such materials.

Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority in compliance with applicable state or federal regulations.

Quantities of flow, concentrations of both which constitute a "slug" as defined herein.

Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

Any cyanide or cyanogen's compounds capable of liberating hydrocyanic gas or acidification in excess of 0.5 mg/l by weight as cyanide in the wastes.

Any wastes or wastewater of such character and quantity that unusual attention or expense is required to handle them in the sewer system.

Any pollutants which create a fire or explosion hazard in the wastewater treatment facilities or sewerage system, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21.

Materials which exert or cause:

Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.

Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate or sodium chloride).

Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions) in the wastewater treatment facilities discharge.

Damage to the collection system or impairment of the treatment process.

No wastewater, regardless of character, shall be discharged to the sewage system in such a manner as to interfere with the designated operation of the collection system or treatment facilities, or to cause the treatment works to exceed the limits presented by the WPDES Permit.

**SPECIAL ARRANGEMENTS.** No statement contained in this chapter shall be constructed as prohibiting any special agreement between the Village and any person whereby, with consent of the City of Oconomowoc, and industrial waste of unusual strength or character may be admitted to the sewage disposal works, either before or after pretreatment, provided that there is no impairment of the functioning of the sewage disposal works by reason of the admission of such wastes, and no extra costs are incurred by the Village without recompense by the person provided that all rates and provisions set forth in this Ordinance are recognized and adhered to.

**NEW CONNECTIONS.** New connections to the sewage system shall not be permitted if there is insufficient capacity in the treatment works to adequately transport the additional wastewater anticipated to be received from such connections.

**CONTROL OF HIGH STRENGTH TOXIC WASTES DIRECT TO PUBLIC SEWERS.**

**SUBMISSION OF BASIC DATA.**

Within three (3) months after passage of this Ordinance, establishments discharging industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater works. Such information shall be provided as per Chapter NR 101 of the Wisconsin Administrative Code.

Similarly, each establishment desiring to make a new connection to public sewer for the purpose of discharging industrial wastes shall prepare a file with the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

**EXTENSION OF TIME.** When it can be demonstrated that circumstances exist which would create an unreasonable burden on the establishment to comply with the time schedule imposed by subsection A, a request for extension of time may be presented for consideration of the Approving Authority.

**HIGH STRENGTH – TOXIC DISCHARGES.**

If any waters or wastes are discharged, or proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in § 20.03(4) and which in the judgment of the Approving Authority, may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the Approving Authority may:

Reject the wastes;

Require pretreatment to an acceptable limit for discharge to the public sewers;

Require control over the quantities and rates of discharge; and/or

Require payment to cover the added cost of handling and treating the wastes not covered by the existing taxes or sewer charges under the provisions of § 20.02(E).

The toxic pollutants subject to prohibition or regulation under this Article shall include, but need not be limited to, the list of toxic pollutants or combination of pollutants established by Section 307(a) of the Clean Water Act of 1977 and subsequent amendments. Effluent standards or prohibitions for discharge to the sanitary sewer shall also conform to the requirements of Section 307(a) and associated regulations.

Pretreatment standards for those pollutants which are determined not to be susceptible to treatment by the treatment works or which would interfere with the operation of such works shall conform to the requirements and associated regulations of 307(b) of the Clean Water Act of 1977 and subsequent amendments. The primary source for such regulations shall be 40 CFR 403, General Pretreatment Regulations for Existing and New Sources of Pollution.

#### CONTROL MANHOLES.

Each user discharging industrial wastes into a public sewer may be required by the Approving Authority to construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of his wastes, including domestic sewage.

Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed they shall be of a type acceptable to the Approving Authority.

Control manholes, access facilities, and related equipment shall be installed by the establishment discharging the waste, at its expense, and shall be maintained by it so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority prior to the beginning of construction.

METER OF WASTE. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be estimated. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the discharger. A maintenance schedule must be accepted by the Approving Authority. Following approval and installation such meters may not be removed without the consent of the Approving Authority.

#### WASTE SAMPLING.

Industrial wastes discharged into the public sewers shall be subject to periodic inspection and determination of character and concentration of said wastes. The determination shall be made by the industry as often as may be deemed necessary by the Approving Authority.

Sampling shall be conducted in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority.

Installation, operation and maintenance of the sampling facilities shall be the responsibility of the establishment discharging the waste and shall be subject to the approval of the Approving Authority.

Access to sampling locations shall be granted to the Approving Authority or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

#### ANALYSES.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location times, durations, and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

Determination of the character and concentration of the industrial wastes shall be made by the establishment discharging them, or its agent, as designated and required by the Approving Authority. The Approving Authority may also make its own analyses on the wastes and these determinations shall be binding as a basis for charges.

PRETREATMENT. Where required, in the opinion of the Approving Authority, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment works, the person shall provide at his expense such preliminary treatment or processing facilities as may be determined required to render his wastes acceptable for admission to the public sewers.

SUBMISSION OF INFORMATION. Plans, specifications, any other pertinent information relating to proposed flow equalizations, pretreatment or processing facilities shall be submitted for review of the Approving Authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

#### GREASE AND/OR SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 20.03(4) or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Approving Authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the Owners) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Approving Authority. Any removal and hauling of the collected materials not performed by Owners) personnel must be performed by currently licensed waste disposal firms.

GREASE INTERCEPTRO PERMIT REQUIRED. Any property owner, or property owner's agent or lessee, who is required by the Approving Authority to install and maintain a grease interceptor, shall obtain a grease interceptor permit from the Village.

APPLICATION. Application for a permit shall be made on forms provided by the Village, disclosing therein the following:

The name(s) and telephone number(s) of the person(s) responsible for the maintenance of the grease interceptor;

The means by which the captured material is to be disposed;

The name of any currently licensed waste disposal firms contracted to dispose of the captured material; and

The record of dates and means of disposal of all captured material during the previous permit years.

**INSPECTION.** Upon receipt of an application, the Village Plumbing Inspector shall make, or shall cause to be made, an inspection of the grease interceptor to assure that the permitted premises and the grease interceptor are in compliance with Wisconsin Administrative Code Section COMM 82.34. Inspections shall thereafter be made at such times as the Village Plumbing Inspector shall deem necessary.

**FEE.** The applicant shall pay an investigation and compliance fee to cover the Village's cost of administering this compliance program. This fee relates solely to the inspection and monitoring described in this section and is separate from all other fees charged by the Village. The fee, which shall be established by the Village Board by resolution from time to time, shall be paid at the time the applicant makes application.

**MAINTENANCE REPORTS.** Maintenance reports detailing all maintenance performed during the previous year shall be submitted to the Approving Authority annually, by January 31. Any user delinquent in filing a maintenance report shall be notified of the delinquency and the penalty for failure to report. Any user who has not submitted the required annual maintenance report by March 1, shall be assessed a penalty not exceeding \$200.00 per day with each day constituting a separate violation. The penalty shall be assessed from March 1 until the maintenance report has been received by the Approving Authority.

**EXPIRATION; RENEWAL; TRANSFER.** Grease interceptor permits shall expire on of every other year. Renewals shall be handled in the same manner as original applications. Permits issued under this section are personal and may not be transferred.

**REVOCATION OF PERMIT.** Permits issued under this section may be revoked, or withheld, by the Village Plumbing Inspector whenever the Village Plumbing Inspector determines that the permit holder has violated any provision of Wisconsin Administrative Code Section COMM 82.34, including but not limited to allowing deleterious waste material to be introduced into the Village sewer. Continued operation under a revoked permit shall constitute a violation of section 20.10 of this Article.

**APPEALS.** Appeals from any order or decision of the Village Plumbing Inspector under this section shall be made pursuant to section 20.11.

**RIGHT OF ENTRY, SAFETY AND IDENTIFICATION.**

**RIGHT OF ENTRY.** The collection system operator or other duly authorized employee of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation and testing, in accordance with the provisions of this Ordinance and state laws. The operator, or other duly authorized employee of the Village shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment.

**SAFETY.** While performing the necessary work on private premises referred to in subsection (1), the duly authorized Village employees shall observe all safety rules applicable to the premises established by the Owner or occupant and the Village shall indemnify the Owner against loss or damage to its property by Village employees and against the liability claims and demands for personal injury or property damage asserted against the Owner and growing out of gauging and sampling operation of the Village employees; except as such may be caused by negligence or failure of the Owner to maintain safe conditions.

**IDENTIFICATION, RIGHT TO ENTER EASEMENTS.** The operator and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purpose of , but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of the agreement.

**SEWER CONSTRUCTION (BUILDING SEWERS).**

**WORK AUTHORIZED.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer, building sewer or appurtenance thereof without first obtaining written permits from the Approving Authority.

The connection of the building sewer to the building drain shall require a Connection Permit, the fee for which shall be \$25.00. All fees shall be paid prior to the issuance of the permit(s).

No contractor, plumber, pipe fitter or other person shall be permitted to do work on any public sewer or building sewer without first receiving licenses from the State of Wisconsin and the Village and posting a \$10,000 cash deposit, bond, or letter of credit in a form acceptable to the Village Attorney with the Approving Authority, and having a Certificate of Insurance naming the Village as coinsured. The cost of the license to work within the Village shall be \$100.00. Said bond shall receive prior approval of Village legal counsel, and shall be released upon satisfactory inspection of the work in accordance with § 20.06 of this Article.

Prior to commencement of the work, the permittee shall notify the Village at least forty-eight (48) hours before beginning excavations.

**CONNECTION CHARGE.** Connection charges shall be assessed pursuant to section § 20.15 of this chapter.

**COST OF SEWER CONSTRUCTION.**

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the Owner, who may request that the work be performed by the Approving Authority or who may employ an independent contractor to do the work. In the latter case, the Owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation, modification, or connection of the building sewer.

Except as herein provided, all charges accruing to the Owner under this Chapter may be treated as special assessments in accordance with the provisions of the Wisconsin Statutes.

**USE OF OLD BUILDING SEWERS.** Old building sewers may be used in connection with new buildings only when they are found on examination and tested by Approving Authority, to meet all requirements for this Ordinance.

**MATERIALS AND METHODS OF CONSTRUCTION.** The size, slope, alignment, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Wisconsin Administrative Code, the State Department of Natural Resources, the Waukesha County and Village of Lac La Belle building and plumbing code, and other applicable rules and regulations of the Village. All building sewers shall be constructed of Sch 40. In the absence of code provisions or an amplification thereof, the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

**BUILDING SEWER GRADE.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

**STORM AND GROUNDWATER DRAINS.**

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer.

All existing downspouts or groundwater drains, etc., connected directly or indirectly to a public sanitary sewer must be disconnected no later than sixty (60) days from the date of an official written notice by the Approving Authority. Exceptions to the above shall be made only by the Approving Authority in writing.

**CONFORMANCE TO PLUMBING CODE.**

The connection of the building sewer into the public sewer shall conform to the requirements of the Waukesha County building and plumbing code and other applicable rules and regulations of Village of Lac La Belle or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9 when not otherwise specified. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation.

All connections to existing sewer mains shall be made with a saddle "T" or "Y" fitting set upon a carefully cut opening centered in the upper quadrant of the main sewer pipe with solvent-welded joints.

**INSPECTION OF CONNECTION.** The applicant for the building sewer permits shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Approving Authority. The permit fees shall include the cost of one inspection by the Approving Authority. The Owner shall pay the costs of any additional inspections that may be required for quality assurance.



**BARRICADES: RESTORATION.** All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

**SEWER MAIN EXTENSIONS.**

In addition to all other pertinent sections of this Ordinance, any person requesting an extension of the public sanitary sewer main shall be responsible for all of the following duties.

All costs and expenses incident to the installation of a sewer main extension, including engineering and any fees associated with the connection or hookup to the sewer, shall be borne by the person requesting the extension. This person shall secure and furnish proof of an escrow account for the estimated amount of the total sewer costs, the amount to be determined by the Village. The account shall be so arranged and a special agreement executed between the person, the bank, and the Village Board to allow the latter to withdraw monthly amounts from the account sufficient to cover monthly payments to subcontractors under contract with the Village for the sewer installation. The amounts of monthly withdrawals, as determined by the Village Board, shall be billed to the person requesting the extension and shall be due within ten (10) days of the date of billing.

Design of any proposed sewer extension shall be performed by an engineering consultant selected by the Approving Authority. The resulting construction plans and specifications shall be reviewed and approved by the Approving Authority prior to submittal to the Wisconsin Department of Natural Resources. All plans shall conform to the standards of the WDNR, and such additional requirements and standards that the Approving Authority may establish, and shall be prepared by a professional engineer registered to practice in the State of Wisconsin. Construction inspection and contract administration shall be performed by the Village's engineer.

The person requesting the sewer extension shall assist in securing all required utility easements, the location and width of which shall be determined by the Village. The Village will furnish blank easement forms to the person who will be responsible for the proper legal description of the easement parcel and for the proper execution of the easement by the grantor. All completed easements shall be submitted to the Village, designated as the grantee for its review, and shall be recorded at the Waukesha County Register of Deeds office by the Village.

The person requesting the sewer extension shall also execute any other special agreements deemed necessary by the Approving Authority.

**SEPTIC TANK HOLDING AND DISPOSAL.**

No septic tank or holding tank wastes shall be discharged to the collection system operated by Village of Lac La Belle. The Village does not have facilities to provide wastewater treatment facilities to accept such wastes. Such wastes typically have pollutant levels far in excess of domestic strength as defined in this Ordinance. Due to their high strength and lack of receiving or treatment facilities, such wastes shall not be accepted by the Village.

**DAMAGE OR TAMPERING WITH SEWER FACILITIES.**

**WILLFUL, NEGLIGENT OR MALICIOUS DAMAGE.** No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewer facilities. Any persons violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

**LIABILITY TO DISCHARGER FOR LOSSES.** Any person who intentionally, negligently or accidentally violates any provisions of this Ordinance shall become liable to Village of Lac La Belle or any downstream user, for any expense, loss or damage occasioned by reason of such violation which the Village or any downstream user may suffer as a result thereof. This section shall be applicable whether or not a written notice of the violation was given as provided in § 20.10(1) and without consideration for any penalties which may be imposed for a violation of this Ordinance.

#### **VIOLATIONS AND PENALTIES.**

**PENALTIES.** Any person found to be violating any provision of this Ordinance shall be subject to the penalties provided in Section 15.04 of the Village Code of Ordinances provided, however, that the minimum forfeiture for the first day of each violation shall be \$5,000.00 and the minimum forfeiture for each day thereafter for each violation shall be \$200.00.

**DISCHARGE OF DELETERIOUS SUBSTANCES.** Any person found to be responsible for causing or allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a fine, pay the amount to cover damage, both values to be established by the Approving Authority.

**LIABILITY TO THE VILLAGE FOR LOSSES.** Any person violating any provision of this Ordinance shall become liable to Village of Lac La Belle for any expenses, loss, or damage occasioned by reason of such violation which the Village Board may suffer as a result thereof.

#### **APPEALS.**

#### **PROCEDURES.**

Any User, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the Approving Authority interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the Approving Authority a written request for reconsideration within ten (10) days setting forth in detail the facts supporting the user's request for reconsideration.

The Village Board shall render a decision on the request for reconsideration to the user, permit applicant or permit holder in writing within fifteen (15) days of receipt of request.

#### **VALIDITY.**

**REPEAL OF CONFLICTING ORDINANCE.** All ordinances or parts of ordinances or regulations or parts of regulations in conflict with the Ordinance are hereby repealed.

**INVALIDATION CLAUSE.** Invalidity of any section, clause, sentence, or provision in the Ordinance shall not affect the validity of any other section, clause, sentence, provision of this Ordinance which can be given effect without such invalid part or parts.

AMENDMENT. Village of Lac La Belle, through its duly qualified officers, reserves the right to amend this Ordinance in part or in whole wherever it may deem necessary, but such right will be exercised only after due notice to all persons concerned and proper hearing on the proposed amendment.

AUDIT.

ANNUAL AUDIT. Village of Lac La Belle shall conduct an annual audit, the purpose of which shall be to demonstrate the continued proportionality and sufficiency of the user charges relative to changes in system operation and maintenance costs.

ARTICLE II

Sewer Charge System

BASICS FOR SEWER USER CHARGES.

UNMETERED USERS. Charges for unmetered users, except as provided in subsection B below, shall be determined on the basis of "Residential Equivalent Connection" (REC) in accordance with Schedule 1 of this ordinance, which utilizes average water consumption for given classes of users.

METERED USERS.

In the event that the discharge from a user differs significantly from the norm with respect to volume or strength, in the opinion of the Approving Authority, the Authority may require that such user install a water meter or meters for the purpose of determining the volume of water obtained from private sources and discharged to the sewers. Where sewage meters are already installed, water meters and they shall be installed under the supervision of the Village, all costs being at the expense of the person requiring the meter.

Village of Lac La Belle shall charge for each meter, a rental charge set by the Village to compensate for the cost of furnishing and servicing the meter. The rental charge shall be billed at the time that the sewer service charge is billed.

The user charge for metered users shall be based on the quantity of water used as measured by the meter upon the premises except as provided by subsection (3).

MEASUREMENT OF FLOW FROM HIGH STRENGTH OR TOXIC WAST DISCHARGES.

The volume of flow used for computing the user charge shall be metered water consumption of the user as shown in the records of meter readings maintained by the Village, except as noted in subsection (4).

Provision for deductions: In the event that an establishment discharging industrial waste into the public sewers produces evidence satisfactory to the Village that more than twenty (20) percent of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the Approving Authority and the person. Satisfactory evidence shall be evidence obtained by approved metering.

METERING OF INDUSTRIAL WASTE. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records.

Metering devices for determining the volume of waste shall be installed, owned, and maintained by the discharger. A maintenance schedule must be accepted by the Approving Authority. Following approval and installation such meters may not be removed without the consent of the Approving Authority.

WASTE SAMPLING. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority. The use of flow proportional composite sampling is preferred.

FREE SERVICE. No user shall receive free service or pay a sewer use charge less than the user's proportional share of operation, maintenance and replacement costs.

OUTSIDE SERVICE. All users within the sewer service area of the Village of Lac La Belle shall be treated equally as to sewer use charges regardless of their location with respect to the Village boundaries.

SANITARY SEWER CONNECTION CHARGES.

CONNECTION CHARGES. The Owner of each new user connection shall be assessed a connection charge based upon a user's potential needed capacity in the treatment facility in accordance with Schedule 1. Each new user, and any existing user that increases its use or intensity of use requiring additional capacity in the treatment facility, shall be charged a connection charge or an additional connection charge. Such connection charge shall apply to all connections to the village's sewer system resulting from new construction or the change of an existing user whereby additional capacity shall be required from the treatment facility. Metering of user's flow shall be utilized for non-residential users to determine user fees charged such user by the Village. Metering shall also be used as a means of verification by the Village or Approving Authority, but shall not be used to reduce a user's connection charge from that determined through use of Schedule 1, or metered as contained in this section. The connection charge shall be determined separately by the Approving Authority for each building in accordance with Schedule 1 unless the Approving Authority determines that the information in the Schedule does not accurately reflect the user's wastewater discharge to the sewerage system, in which case the Approving Authority will assign an initial connection charge to the user. Thereafter, the user shall be subject to additional connection charges based upon actual usage. Such charges shall be in addition to the building sewer construction costs, sewer service charges, and any other charges resulting from the connection to the public sewer.

Residential Development.

The sanitary sewer connection charge per REC shall be as follows:

2005	2006	2007	2008	2009
\$14,585.00	\$15,314.25	\$16,079.96	\$16,883.96	\$17,728.16

These connection charges are based on an increase at the rate of five percent per year. However, all connection charges are subject to review by the Approving Authority, and this schedule may be revised at any time by the Approving Authority.

Nonresidential Development.

The property owner shall submit a good faith estimation of the intended water and sewer usage for any nonresidential development prepared by a qualified engineer licensed by the State of Wisconsin.

Based on the information supplied by the property owner, the Village shall calculate the residential equivalent user for that development in accordance with Schedule 1. All REC calculations shall be rounded up to the nearest 0.5 REC. A minimum fee based on one REC shall be established for all nonresidential connections.

The Village Board may, in its discretion, assign a sewer connection charge different from that calculated by Schedule 1 if the Village Board considers the additional maintenance burden placed on the sewerage system by the additional commercial customer, the number of connections purchased by the owner(s), and the overall benefits to the Village of providing sewer service to a particular commercial enterprise and finds that variance from Schedule 1 will promote the commercial benefit and the health, safety, welfare and convenience of the public.

Based upon the information obtained under subparagraph **iii**, the Village shall recalculate the number of RECs, and may recalculate the connection charge pursuant to subsection **(1)(b)(2)** above. If the recalculated charge exceeds that of the original charge, the difference between the recalculated charge and the amount paid for the original charge shall become due and payable at the time the adjustment is made. There will be no refund notwithstanding the result of the recalculation.

**METERING.** Metering of user's flow shall be utilized to determine user fees charged commercial users by the village. Metering shall also be used as a means of verification of connection charges by the Village or Commission, but shall not be used to reduce a user's connection charge from that determined pursuant to subsection **(1)(b)(ii) or (1)(b)(iii)** above.

**COLLECTION OF SEWER CONNECTION CHARGES.** The Village shall collect connection charges from new users or from existing users prior to issuance of building permits or use permits. Existing users who increase their use of the system shall be subject to an invoice on an annual basis for additional connection charges equivalent to the number of increased RECs being utilized.

**CONNECTION CHARGE INSTALLMENT PAYMENTS PERMITTED.** The Village Board may, in its discretion, grant a request by the owner(s) of a property to pay the connection charges provided for in this section over a ten-year period of time. If a request for installment payments is granted pursuant to this subsection, the owner(s) shall be responsible for payment of principal with interest on the unpaid balance at the Village's cost of capital rate.

**BUILDING PRACTICE.**

**BILLING PERIOD.** Service charges shall be billed on an annual basis.

**PAYMENT.** User charges shall be calculated on a prospective basis and invoiced on the preceding year's real property tax bill. User charge payments shall be due on January 31<sup>st</sup> of each year. User charges for persons requesting new or additional connection(s) to the Village system shall be prorated on the basis of the number of remaining months in the calendar year at the time of issuance of any building permit(s). User charges shall be paid to, and as a condition of, issuance of any building permit.

**PENALTIES.**

Charges levied in accordance with this Ordinance shall be a debt due to the Village of Lac La Belle. If the debt is not paid within twenty (20) days after it is due and payable, it shall be deemed delinquent. There shall be an added penalty of three (3) percent of the amount of the quarterly billed (penalties shall not be compounded).

Charges and penalties shall constitute a lien upon the property services and be recorded on the Village's tax roll. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

NOTIFICATION. Each user shall be notified quarterly, in conjunction with a regular bill for the rate those portions of the user charges which are attributable to wastewater treatment services.

#### AMOUNT OF USER CHARGES.

UNMETERED USERS. The total annual service charge for all unmetered users shall be the sum of the following charges:

Oconomowoc Fixed Charge;

Oconomowoc Volume Charge;

Mary Lane Interceptor Charge;

Ixonia Interceptor Charge;

Lac La Belle Collection System O, M & R Charge;

Lac La Belle Collection System Fixed Charge;

These charges are discussed in Attachments A-D.

The basis for charges shall be Residential Equivalent Connection (REC), which shall be determined from Schedule 1 of this Ordinance. No user shall be charged less than 1 REC.

METERED USERS. The total annual service charge for all metered users shall be the sum of the following charges as employed in subsection (1) of this section:

Oconomowoc Fixed Charge;

Oconomowoc Volume Charge;

Mary Lane Interceptor Charge;

Ixonia Interceptor Charge;

Lac La Belle Collection System O, M & R Charge;

Lac La Belle Collection System Fixed Charge.

#### AUDIT

Village of Lac La Belle shall conduct an annual audit, the purpose of which shall be to demonstrate the continued proportionality and sufficiency of the user charges relative to changes in system operation, maintenance, and replacement costs.

SCHEDULE 1 – RESIDENTIAL EQUIVALENT CONNECTION DETERMINATION

Definition: 1 REC – 1 Residence – 3.3 People – 200 Gallons Per Day – 11,400 Gallons Per Week

For unmetered users of the sewerage system, the following table shall be used to determine the residential equivalent connection (REC) or estimated gallons of wastewater discharged to the sewerage system:

TABLE INSET:

Residential Users	REC
Condominium	1.00
Single-Family Home	1.00
Duplex	2.00
Multiple-Family (2 bedrooms)	1.00/Unit
Multiple-Family (1 bedroom or less)	0.75/Unit
Multiple-Family (1 and 2 bedrooms)	0.50/Unit

For unmetered commercial and industrial users of the sewerage system, their wastewater flow shall be determined from the following table unless the Approving Authority determines that the information in the table does not accurately reflect the user’s wastewater discharge to the sewerage system, in which case the Approving Authority will assign a wastewater flow to the user. The REC may be determined by dividing the wastewater flow obtained from the table by the flow of the average residential user. The average residential user is defined as contributing 200 gallons of wastewater per day with a BOD and suspended solids concentration of 250 mg/l and 270 mg/l, respectively. The minimum REC for any account shall not be less than 1.00 REC. Upon completion of the REC computations, all RECs will be rounded up to the nearest 0.5 REC.

TABLE INSET:

SIC Code	Description	Gallons Per Employee Hour
0742	Veterinary services for animal specialties	20.0
0752	Animal specialty services	16.0
0782	Lawn and garden services	10.0
1146	Industrial sand	5.0
1521	General contractors – Residential	2.3
1541	General contractors – Industrial buildings and warehouses	2.3
1611	General contractors – Public works	2.3
1711	Plumbing, heating and air conditioning	2.3
1731	Electrical work	2.3
1761	Roofing and sheet metal work	2.3
1799	Special trade contractors, N.E.C.	2.3
2013	Sausage and other prepared meats	110.0
2065	Candy and other confectionery products	50.0
2087	Flavoring extracts and syrups, N.E.C.	75.0

2397	Canvas and related products	2.3
2431	Millwork	5.0
2434	Wood kitchen cabinets	5.0
2522	Metal office furniture	2.3
2721	Periodicals: Publishing and printing	10.0
2731	Books: Publishing and printing	10.0
2751	Commercial printing, letterpress and screen	10.0
2752	Commercial printing, lithographic	10.0
2789	Book binding and related work	10.0
2795	Lithographic platemaking and related services	25.0
2819	Industrial inorganic chemicals, N.E.C.	10.0
2834	Pharmaceutical preparation	10.0
2841	Soap and other detergents	15.0
2893	Manufacturing of printing ink	30.0
2899	Chemicals and chemical preparations, N.E.C.	10.0
3079	Miscellaneous plastic products	85.0
3111	Leather tanning and finishing	345.0
3272	Concrete products, except block and brick	25.0
3442	Metal doors, sash, frames, molding and trim	2.3
3444	Sheet metal work	40.0
3451	Screw machine products	10.0
3462	Iron and steel forging	5.0
3469	Metal stampings, N.E.C.	5.0
3471	Electroplating, Plating, Polishing, Anodizing, etc.	50.0
3479	Coating, Engraving and Allied Services, N.E.C.	100.0
3495	Wire springs	2.3
3498	Fabricated pipe and fittings	2.3
3499	Fabricated metal products, N.E.C.	25.0
3531	Construction machinery and equipment	5.0
3544	Spec. dies and tools, die sets, jigs and fixtures, molds	10.0
3562	Ball and roller bearings	5.0
3565	Industrial patterns	5.0
3569	General industrial machinery and equipment, N.E.C.	4.0
3576	Scales and balances, except laboratory	2.3
3599	Machinery, except electrical, N.E.C.	10.0
3613	Switchgear and switchboard apparatus	5.0
3632	Household refrigerators and home and farm freezers	2.3
3694	Electrical equipment for internal combustion engines	2.3
3714	Motor vehicle parts and accessories	75.0
3999	Manufacturing industries, N.E.C.	2.3
4141	Local passenger transportation charter service	2.3
4151	School buses	2.3
4212	Local trucking without storage	10.0
4213	Trucking, except local	2.3
4225	General warehousing and storage	2.3
4311	U.S. Postal Service	2.3



4722	Travel agency	2.3
4811	Telephone communication	2.3
4832	Radio broadcasting	2.3
5042	Toys and hobby goods and supplies	2.3
5063	Electrical apparatus and equipment	2.3
5054	Electrical appliances	2.3
5072	Hardware – wholesale distribution	2.3
5082	Construction and mining machinery and equipment	2.3
5084	Industrial machinery and equipment	2.3
5142	Frozen foods	10.0
5149	Wholesale groceries and related products, N.E.C.	10.0
5199	Wholesale nondurable goods, N.E.C.	10.0
5211	Lumber and other building materials dealers	2.3
5231	Paint, glass, wallpaper	2.3
5251	Hardware – retail sales	2.3
5261	Retail nurseries, lawn and garden supply stores	10.0
5271	Mobile home dealers	2.3
5311	Department stores	2.3
5331	Variety stores	2.3
5411	Grocery stores with meat and produce departments	16.0
5412	Grocery stores without meat and produce departments	6.0
5441	Candy, nut and confectionery stores	10.0
5462	Retail bakeries – baking and selling	10.0
5499	Miscellaneous food stores	2.3
5511	Motor vehicle dealers	5.0
5531	Auto and home supply stores	2.3
5541	Gasoline service stations	15.0
5551	Boat dealers	5.0
5611	Clothing stores	2.3
5651	Shoe stores	2.3
5681	Furriers and fur shops	5.0
5711	Furniture, floor coverings, appliances	2.3
5812	Eating places (restaurants)	20.0
5813	Drinking places (taverns)	45.0
5912	Drugstores and proprietary stores	2.3
5921	Liquor stores	2.3
5931	Used merchandise stores	2.3
5941	Sporting goods stores and bicycle shops	2.3
5942-9	Miscellaneous stores	2.3
5992	Florists	10.0
5999	All other retail stores	2.3
6022-9	Banks	2.3
6122-63	Savings and loans	2.3
6311	Insurance companies	2.3
6411	Insurance agents	2.3
6512	Operators of nonresidential buildings	2.3

6515	Operators of residential mobile home sites	2.3
6531	Real estate agents and managers	2.3
6553	Cemetery subdividers and developers	2.3
6722	Management investment offices	2.3
7011	Hotels, motels, tourist courts	0.5REC/Unit
7211	Power laundries, family and commercial	105.0
7212	Cleaning and laundry pickup stations	2.3
7215	Fac. Coin-op laundries and dry cleaning	910.0
7221	Photographic studios	2.3
7231	Beauty shops	16.0
7241	Barber shops	10.0
7261	Funeral service and crematories	15.0
7299	Miscellaneous services, N.E.C.	2.3
7311	Advertising agencies, employment services	2.3
7332	Blueprinting and photocopying services	2.3
7351	Employment agencies	2.3
7391	Research and development laboratories	10.0
7395	Photofinishing labs	10.0
7512	Passenger car rental and leasing, w/o drivers	10.0
7531	Top and body repair shop	5.0
7534	Tire retreading and repair shops	20.0
7538	General automotive repair shops	5.0
7542	Car washes	115.0
7622	Radio and television repair	2.3
7699	Repair shops and related services, N.E.C.	2.3
7832	Motion picture theatres, not drive-ins	20.0
7911	Dance halls, studios and schools	20.0
7922	Theatrical producers	20.0
7933	Bowling alleys	50.0
7992	Public golf courses	45.0
7997	Membership sports and recreation clubs	75.0
7999	Roller rinks, gymnasiums, museums	20.0
8011	Offices of physicians	10.0
8021	Offices of dentists	10.0
8031	Offices of osteopaths	10.0
8041	Offices of chiropractors	10.0
8051	Skilled nursing care facilities	20.0
8091	Health and allied services, N.E.C.	10.0
8111	Attorneys	2.3
8211	Elementary and secondary schools	20.0
8221	Colleges, universities and professional schools	25.0
8231	Libraries and information centers	20.0
8249	Vocational schools, N.E.C.	20.0
8421	Arboreta, botanical and zoological gardens	45.0
8621	Professional membership organizations	2.3

8641	Civic, social and fraternal associations	15.0
8661	Religious organizations (hours occupied only)	20.0
8699	Membership organizations, N.E.C.	2.3
8911	Engineering, architectural and surveying services	2.3
8931	Accountants	2.3
9199	General government, N.E.C.	2.3
9221	Police protection	2.3
9224	Fire protection	2.3
9451	Administration of veteran's affairs	2.3
999	All offices, N.E.C.	2.3

NOTE: Parsonages should be regarded as single-family residences.

#### Attachment A – Oconomowoc Charges

The Oconomowoc fixed, volume, and equal value charge are determined by the Oconomowoc Wastewater Treatment Facility and are approved by the Oconomowoc City Council. These rates are reviewed periodically and adjusted as required.

The Village of Lac La Belle, Town of Ixonia Sanitary District No. 2 and the Mary Lane Sanitary District are not within the Oconomowoc's boundaries, including the Village of Lac La Belle, are charged at 100% of the rates assessed to the users within the Oconomowoc City limits plus a capital recovery charge. The assessed equalized value charge is a charge assessed to each user based on the equalized assessed property value. This charge is not included at this time in the user charge system because this charge shall be recovered by property taxes in the Village of Lac La Belle. The Valley may elect to include this cost in the user charge system in the future.

The basis for the total volume charge billed to the Village shall be the metered flow leaving the Village. The basis of the charge assessed to the unmetered users within the Village of Lac La Belle shall be RECs in accordance with Schedule 1 of this Ordinance. The billing category will be determined by quarterly sampling of the wastewater prior to discharging into the Ixonia Interceptor. The basis of the Oconomowoc charge assessed to the metered users within the Village of Lac La Belle shall be a metered flow and sample information in accordance with Sections 20.14 of this Ordinance. However, when information on actual usage is not available, volume charges must be based on estimated contributions using similar land and building uses in other communities as a guide.

#### Attachment B – Mary Lane Interceptor Charge

The Mary Lane Interceptor Charge will reflect Lac La Belle's portion of costs incurred in the operation and maintenance of the interceptor sewer to the City of Oconomowoc. The Village's portion will be based on actual metered flow.

Three communities, Lac La Belle, Ixonia, and Mary Lane, will discharge wastewater to the interceptor system operated and maintained by the Mary Lane Sanitary District No. 2 and all of the flow from the Village of Lac La Belle is routed through the Mary Lane interceptor, for the purposes of calculating the interceptor charges, it is assumed that all of the flow from Lac La Belle and Ixonia is routed through

Highway 16 interceptor. This agreement was negotiated between Lac La Belle, Ixonia, and Mary Lane and is included in the intermunicipal agreements between these communities. The total flow from the three communities will be pumped by the lift station located at the junction of Mary Lane Road and Highway 16 to the Oconomowoc wastewater treatment facility.

#### Attachment C – Ixonia Interceptor Charge

The Ixonia interceptor charge will reflect Lac La Belle’s portion of cost incurred in the operation, maintenance and replacement of the interceptor from Lac La Belle Drive to pump station # 2, pump station # 2, metering systems and force mains. In accordance with the intermunicipal agreement between Lac La Belle and Ixonia Sanitary District No. 2 the costs will be split up according to actual metered flows.

#### Attachment D – Lac La Belle Collection System Charge

The Lac La Belle O, M & R charge will reflect the costs incurred by the Village in the operation and maintenance of the Village’s collection system. The cost to operate and maintain the collection system must be paid by the users of the system in approximate proportion to their usage. Where metered water usage data is available, this can be used as a basis for equitable sewer charges. However, when information on actual usage similar land and building uses in other communities as a guide (Schedule 1: Residential Equivalent Connection Determination)

Operation and maintenance costs are defined, per the requirements of the Wisconsin Fund grant program, to include replacement costs. That is, a separate fund must be established in which monies will be accumulated to pay the cost “for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance [of the collection system] during [its] service life.” The O, M & R budget includes an annual contribution for this purpose.

The cost of operating the Village’s collection system will vary from year to year. All operation charges will be assessed on the basis of Residential Equivalent Connection (REC).

The Lac La Belle Fixed Charge (Minimum Annual Billing), the calculation of which is made pursuant to the formula on Appendix D-3, provides for debt retirement for Village of Lac La Belle. All users are to be assessed on the basis of Residential Equivalent Connection for purposes of debt service.

#### APPENDIX D-3

#### DERMINATION OF LAC LA BELLE FIXED CHARGE

$$\text{Fixed Charge} = \frac{\text{Projected Annual Debt Service (\$)}}{\text{Total Village RECs}}$$